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CHARTER

OF THE

CITY OF LOS ANGELES

As Adopted January, 1889

Amended January, 1903

Amended January, 1905

Amended February, 1907

Amended February, 1909

Amended March, 1911

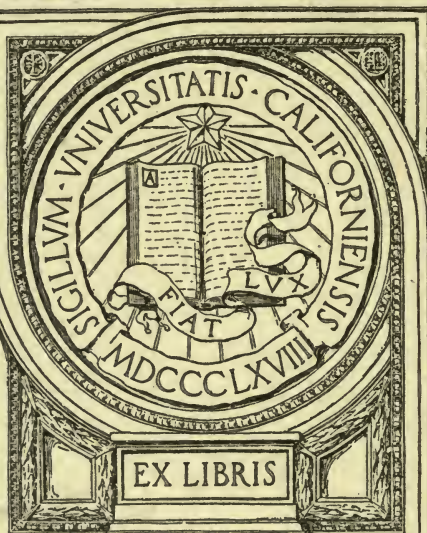
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CHARTER

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Charter of the City of Los Angeles.

ARTICLE I.

[Amendment, 1911.]

INCORPORATION AND POWERS.

Section 1. The municipal corporation now existing and known as "The City of Los Angeles," shall continue to be a municipal corporation under the same name and with the same boundaries that it now has, to-wit:

Beginning at the northwest corner of section 2, township 1 south, range 14 west, S. B. M.; thence south along the west line of said section to the south line of lot 46 of Hollywood Heights, as shown on a map recorded in Book 1, page 48, of Maps, Records of Los Angeles County, State of California; thence westerly, northerly, westerly, southerly and westerly along the southerly line of said lot 46, to the west line of said lot; thence west along the east and west center line of section 3 of the township and range hereinbefore mentioned, to the west line of said section 3; thence south along the said west line to the northwesterly line of the Rancho La Brea; thence southwestwardly along the northwesterly line of said rancho to the north line of section 9 of the township and range hereinbefore mentioned; thence west along the north line of said section 9 to the northeast corner of section 8 of said township and range; thence west along the north line of said section 8 a distance of eight chains; thence southerly and parallel to and distant eight chains west of the east line of said section 8 to the south line of the northeast quarter of said section 8; thence easterly along said line to the west line of Crescent avenue, as said avenue is shown on a map recorded

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in Book 54, page 52, of Miscellaneous Records of said county; thence south along the west line of said Crescent avenue to the north line of Fountain avenue, as shown on said map, produced westerly; thence easterly along said prolongation and the north line of said Fountain avenue to its intersection with the easterly line of La Brea avenue (formerly Plummer street), as shown on map of Tonner and Garbutt's subdivision of the S. W. Little Tract, as recorded in Book 19, page 30, of Miscellaneous Records of said county; thence south along the easterly line of said La Brea avenue to the north line of Fountain avenue, as shown on map of Hollywood Square recorded in Book 9, page 77, of Maps, Records of said county; thence easterly along the present north line of Fountain avenue to a point distant 225 feet westerly of the center line of Seward street, as shown on the map of Colegrove, recorded in Book 53, page 10, of Miscellaneous Records of said county; thence south 6 minutes east parallel to that portion of said Seward street lying north of Santa Monica avenue and its southerly prolongation, to an intersection with the northerly prolongation of the westerly line of Victoria Park, as recorded in Book 12, page 2, of Maps, Records of said county; thence southerly along said prolongation and the westerly line of said Victoria Park and its southerly prolongation, to its intersection with the westerly prolongation of the southerly line of that portion of the right of way of the Los Angeles Pacific Railway Company lying southerly of said Victoria Park and easterly of Sherman Drive, as shown on the map of said Victoria Park; thence easterly along the said production and the southerly line of the right-of-way of said railway company, to the northwest corner of lot 24 of the Crenshaw Boulevard Tract, as recorded in Book 8, page 68, of Maps, Records of said county; thence southerly along the westerly line of said Crenshaw Boulevard Tract and the westerly line of Jackins Arlington Heights Tract, as recorded in Book 8, page 22, of Maps, Records of said county, and the southerly prolongation of the last mentioned line, to an iron pipe in the center line of Washington street, as shown

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on the county surveyor's map No. 5330, on file in the office of the county surveyor of said county; thence southerly in a direct line to the northwest corner of lot 1 of Harry Jackins Tract No. 2, as recorded in Book 9, page 133, of Maps, Records of said county; thence southerly along the westerly line of said last mentioned tract to the southwest corner of lot 50 of said tract; thence southeasterly in a direct line to the southeast corner of lot 61 of said tract; thence southeasterly in a direct line to the southeast corner of lot 14 of the Home Villa Tract, as recorded in Book 72, page 25, of Miscellaneous Records of said county; thence southerly in a direct line to a point in the southerly line of Adams street, said point being distant 47.30 feet easterly from the north common corner of lots 12 and 13 of said Home Villa Tract; thence easterly along the south line of Adams street 65.15 feet to its intersection with the southerly line of Montclair street; thence south 37 degrees 3 minutes east along the southerly line of Montclair street and its southerly prolongation, a distance of 1216.60 feet to an iron pipe; thence south 63 degrees 38 minutes east parallel to and distant 201.3 feet from the center line of a portion of Montclair street, a distance of 596.3 feet to an iron pipe in the line between lots 3 and 5 of the hereinbefore mentioned Home Villa Tract; thence south 89 degrees 58 minutes east, parallel to and distant 180 feet from the center line of the third portion of Montclair street, a distance of 270 feet to an iron pipe; thence south 4 minutes west, parallel to Eighth avenue, in the West Jefferson and Seventh Avenue Tract, as recorded in Book 11, page 133, of Maps, Records of said county, to the intersection of the center line of West Jefferson street with the westerly line of said West Jefferson and Seventh Avenue Tract; thence southerly along the westerly line of said tract and its southerly prolongation to the southeast corner of lot 4 of the hereinbefore mentioned Home Villa Tract; thence south 15 degrees 37 minutes west, parallel to the west line of the depot grounds of the Southern Pacific Railroad as inclosed, a distance of 465 feet to an iron pipe set

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40 inches in the ground; thence south 74 degrees 23 minutes east a distance of 3064.75 feet to an intersection with the easterly boundary line of the Rancho Cienega o' Paso De La Tijera; thence northerly along the easterly line of said rancho a distance of 40 feet to the north line of section 11, township 2 south, range 14 west, S. B. M.; thence east along the north line of said section to the northwest corner of the northeast quarter of said section; thence south along the north and south center line of sections 11, 14, 23 and 26, township 2 south, range 14 west, S. B. M., to the south line of said section 26; thence east along the south line of sections 26 and 25 of said township and range, and of section 30, township 2 south, range 13 west, S. B. M., to a point 10 feet distant east of the range line dividing said ranges 13 and 14; thence south running parallel to and 10 feet distant east of said range line, to its intersection with the northerly line of the Gardena Tract of the Rancho San Pedro, as recorded in Book 8, page 89, of Maps, Records of said county, and in Book 43, page 5, of Miscellaneous Records of said county; thence southwesterly along the northerly line of said tract to its intersection with a line parallel to and 10 feet distant east of the center line of Orange avenue, as shown on the map of the said Gardena Tract; thence southerly along a line parallel to and 10 feet distant east of the center line of said Orange avenue, to its intersection with the northerly line of lot 4 of the partition of the estate of J. B. Ducazau, recorded in Book 59, pages 15 and 16, of Miscellaneous Records of said county; thence southerly in a direct line to the northeast corner of block 107 of the McDonald Tract of Rancho San Pedro, recorded in Book 15, pages 21 and 22, of Miscellaneous Records of said county; thence southwesterly and westerly along the northerly line of said block 107 and of block 105 of said tract, to the northwest corner of said block 105; thence northwesterly in a direct line to the southeast corner of lot 1 of the townsite of Avery, as recorded in Book 2, page 61, of Maps, Records of said county; thence westerly in a direct line to the southeast corner of block

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72 of the hereinbefore mentioned McDonald Tract; thence southerly in a direct line to the southeast corner of block 70 of said McDonald Tract; thence southerly in a direct line to the northeast corner of lot 14 of Peck's subdivision of lot J and a portion of lot H of the partition of Rancho Los Palos Verdes, as per recorder's filed map No. 141, and as shown on map found in Book 4, page 48, of Licensed Surveys, Records of said county; thence southerly along the easterly line of said lot 14 to the southeast corner of said lot; thence southeasterly in a direct line to the point of intersection of the northerly prolongation of the westerly line of Meyler street of the City of San Pedro, as said city existed prior to its consolidation with the City of Los Angeles, with the southerly line of lot 1 of the subdivision of lot M of the original partition of Rancho Los Palos Verdes, as shown on map found in Book 1, page 47, of Licensed Surveys, Records of said county; thence westerly along the southerly line of said lot 1 to its intersection with the northerly prolongation of the westerly line of that portion of Meyler street lying between First street and Seventh street in the said City of San Pedro; thence southerly along said prolongation and the westerly line of said Meyler street to its intersection with the northerly line of said Seventh street; thence southerly in a direct line to the northeast corner of block 22 of Peck's Grand View Tract, as recorded in Book 8, page 79, of Maps, Records of said county; thence westerly along the northerly line of said Peck's Grand View Tract, to the northwest corner of said tract, being in the westerly line of Leland street of said tract; thence southerly along the westerly line of said Leland street to its intersection with the northerly line of Hamilton avenue; thence northeasterly along the northerly line of Hamilton avenue to its intersection with the westerly line of Gaffey street from the north (formerly Helena street of said City of San Pedro); thence due south to the southerly boundary line of the County of Los Angeles; thence easterly along the southerly boundary line of the said county, to a point due south of the

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northwest corner of block 10 of the townsite of East San Pedro, as recorded in Book 52, pages 13 to 18, inclusive, of Miscellaneous Records of said county; thence due north to the northwest corner of said block 10; thence northeasterly across intervening streets by straight lines, and along the northerly line of blocks 10, 11, 12 and 13 of said townsite, to the northwest corner of block 14 of said townsite; thence northwesterly in a direct line to the southeast corner of lot 2 of Terminal Island, as shown on Recorder's filed map No. 133, Records of said county; thence northwesterly along the northeasterly line of said lot 2, to the northeast corner of said lot; thence northeasterly in a direct line to a point, said point being the most easterly point of the City of Wilmington as incorporated on December 26, 1905; thence northwesterly in a direct line to a point in the east line of the right of way of the San Pedro branch of the Southern Pacific Railroad Company, said point being the intersection of the easterly line of said right-of-way with the easterly prolongation of the northerly line of New San Pedro or Wilmington, as recorded in Book 6, pages 66 and 67 of Deeds, Records of said county; thence westerly along the said prolongation and the northerly line of the said New San Pedro and the westerly prolongation of said northerly line, to the easterly line of the Rancho Los Palos Verdes, as recorded in Book 2, pages 544 and 545 of Patents, Records of said county; thence southerly along the easterly line of said rancho to the southerly line of the Wilmington and Salt Works road, as shown on map of Peck's subdivision of lot J and a portion of lot H of the partition of Rancho Los Palos Verdes, hereinbefore mentioned; thence westerly along the southerly line of the said Wilmington and Salt Works road, to the northwest corner of lot 3 of the last mentioned Peck's subdivision; thence northerly in a direct line to the intersection of the easterly line of Tomlinson road with the northerly line of Ocean street, as both are shown on a map filed in case No. 3284, in the Superior Court of Los Angeles County, State of California, entitled, "In the matter of the petition of

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Ana Josefa de Dominguez et al., for partition real property"; said point of intersection being the southwest corner of the real property allotted to Victoria Dominguez de Carson by decree of said court made and filed on June 26, 1885, in the above-entitled matter; thence northerly along the easterly line of said Tomlinson road to the northwest corner of the real property allotted to Maria de Los Reyes Dominguez by the aforesaid decree; thence easterly and northeasterly along the northerly line of the last mentioned property to its intersection with the prolongation of the easterly line of Olive street, as shown on the map of the South Gardena Tract, recorded in Book 43, page 39, Miscellaneous Records of said county; thence northerly in a direct line to the northwest corner of lot 14 of said tract; thence westerly in a direct line to the southwest corner of lot 7 of the Ducazau Tract, recorded in Book 53, page 12, also in Book 59, pages 15 and 16, both of Miscellaneous Records of said county; thence northerly in a direct line to the northwest corner of lot 2 of the Gardena Tract, as recorded in Book 99, pages 85 and 86, Miscellaneous Records of said county; thence northeasterly along the northwesterly line of said lot 2 to a point distant 150 feet east of the north and south center line of section 19, township 3 south, range 13 west, S. B. M.; thence north and parallel to and 150 feet distant easterly of the center line of sections 19, 18, 7 and 6 of township 3 south, range 13 west, S. B. M., and of section 31, township 2 south, range 13 west, S. B. M., to south line of section 30 of said township and range; thence east along the south lines of sections 30, 29 and 28 of last mentioned township and range, to a point 40 feet distant easterly of the west line of said section 28; thence north, parallel with and 40 feet distant easterly of the west line of sections 28, 21 and 16, said last mentioned township and range, to a point 50 feet distant northerly of the south line of said section 16; thence east through sections 16 and 15 of said last mentioned township and range, parallel with and 50 feet northerly of the south line of said sections to the westerly line of the

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street along which the Southern Pacific Railroad tracks are laid (commonly known as Alameda street); thence northerly along the westerly line of said street to the southerly boundary line of the City of Los Angeles, as same is described in charter granted by the Legislature of the State of California to said city in the year 1889; thence east along the said south charter boundary line to the southeast corner of said city; thence north to the southeast corner of the patent boundary of the city lands of the City of Los Angeles, as recorded in Book 2, pages 38 and 39 of Patents, Records of said county; thence north along the east patent boundary of said city to the northeast corner of said boundary; thence due north to the southerly line of Highland Park Tract as recorded in Book 5, page 145, and in Book 6, pages 392 and 393, both of Miscellaneous Records of said county; thence easterly along said southerly line to its intersection with the center line of Avenue 57 (formerly Garvanza street); thence northerly along the center line of said Avenue 57 to an intersection with the southeasterly line of the right-of-way of the San Pedro, Los Angeles and Salt Lake Railway Company (formerly the Los Angeles Terminal Railway Company); thence northeasterly along the southeasterly line of said right-of-way to its intersection with the southerly line of block 55 of Ralph Rogers subdivision of part of Garvanza Tract, as recorded in Book 12, page 61, of Miscellaneous Records of said county; thence easterly and northerly along the southerly and easterly line of blocks 55 and 50 of the last mentioned subdivision, to its intersection with the northerly line of the right-of-way of the Atchison, Topeka and Santa Fe Railway Company (formerly the Southern California Railway Company); thence easterly along the northerly line of said right-of-way to an intersection with the easterly line of the Rancho San Rafael, as recorded in Book 3, pages 220 to 223, inclusive, of Patents, Records of said county; thence easterly, northeasterly, northerly along the said rancho line to its intersection with the center line of San Pasqual avenue; thence northeasterly along the center

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line of San Pasqual avenue to its intersection with the easterly prolongation of the southerly line of lot 63, block 17, of the Garvanza Addition No. 1, as recorded in Book 9, page 45, of Miscellaneous Records of said county; thence westerly along said prolongation and the south line of lot 63 and its westerly prolongation, to its intersection with the center line of the alley through said block 17; thence northerly along the center line of said alley to its intersection with the easterly prolongation of the northerly line of lot 43 of said block 17; thence westerly along the said prolongation and the northerly line of said lot 43 and its westerly prolongation to its intersection with the center line of Avenue 66 (formerly Cooper avenue); thence northerly along the center line of said Avenue 66 to its intersection with the San Bernardino Base Line; thence westerly along the said base line to its intersection with the center line of Avenue 57 (formerly Chicago street), as shown on the map of the New York Tract as recorded in Book 19, pages 85 and 86, of Miscellaneous Records of said county; thence southerly along the center line of said Avenue 57 to its intersection with the center line of Aldama street (formerly Aliso avenue), as shown on the last mentioned map; thence westerly along the center line of said Aldama street to the center line of Avenue 54 (formerly Central avenue); thence northerly along the center line of said Avenue 54 to the center line of Aldama street from the west; thence westerly along and following the various courses of the center line of said Aldama street to its intersection with the center line of Avenue 50 (formerly Highland avenue), as shown upon the diagram of the subdivision of the Highland Park Tract as recorded in Book 5, page 145, of Miscellaneous Records of said county; thence southerly along the center line of said Avenue 50 to its intersection with the easterly prolongation of the northerly line of lot 24 of the said subdivision of the Highland Park Tract; thence westerly along the said prolongation and the northerly line of the said lot 24, to the west corner of said lot; thence southerly in a direct line to the north

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corner of lot 16 of the subdivision of the Hunter Highland View Tract, as recorded in Book 4, page 570, of Miscellaneous Records of said county; thence southerly to the west corner of said lot 16; thence southwesterly to the west corner of lot 15 of the last mentioned subdivision; thence due south to the north patent boundary line of the City of Los Angeles, hereinbefore mentioned; thence west along said patent boundary line to the southwesterly line of the right-of-way of the Southern Pacific Railroad Company; thence northwesterly along the southwesterly line of said right-of-way, following the various courses and curves thereof, to its intersection with the easterly prolongation of the northerly line of a strip of land conveyed by A. J. Haney to G. J. Griffith by deed recorded in Book 155, page 357, of Deeds, Records of said county; thence westerly along said prolongation and the northerly line of said strip of land or its westerly prolongation, to its intersection with the easterly boundary line of the land conveyed to the City of Los Angeles by Griffith Jenkins Griffith and Mary Agnes Christina Griffith, his wife, by deed dated March 5, 1898, and recorded March 5, 1898, in Book 1226, page 40, of Deeds, Records of said county; thence northerly, westerly, northwesterly, westerly, southwesterly and southerly, following the various courses of the easterly, northerly, northeasterly, northerly, northwesterly and westerly boundary lines of the land conveyed by said deed, to a point in the San Bernardino Base Line, said point being an angle point in the boundary line of the City of Hollywood, as said city existed prior to its consolidation with the City of Los Angeles; thence westerly along the said base line to the point of beginning.

Sec. 2. The City of Los Angeles, in addition to any other powers now held by, or that may hereafter be granted to it under the constitution or laws of the state, shall have the right and power:

- (1) To provide and use a corporate seal, and to alter the same at pleasure.

- (2) To sue and be sued in all actions and proceedings.

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(3) To have perpetual succession.

(4) To provide, by purchase, lease, condemnation, construction, or otherwise, and to establish, own, equip, maintain, conduct and operate libraries, reading rooms, art galleries, museums, assembly or convention halls, schools, kindergartens, parks, playgrounds, gymnasiums, baths, public toilets and comfort stations, markets, market houses, abattoirs, municipal lodging houses and tenement houses, dispensaries, infirmaries, hospitals, charitable institutions, free employment bureaus, almshouses, jails, houses of correction, workhouses, farm schools, municipal farms, work farms, detention homes, cemeteries, crematories, morgues, garbage collection and garbage disposal and reduction works, street cleaning and sprinkling plants, quarries, works or plants for the preparation, manufacture, handling or transportation of materials required in the construction, completion, maintenance or repair of any public building, work, improvement or utility; also any and all buildings, establishments, institutions and places, whether situated inside or outside of the city limits, which are necessary or convenient for the transaction of public business or for promoting the health, morals, education or welfare of the inhabitants of the city, or for their amusement, recreation, entertainment or benefit.

(5) To provide for the care of the sick, the indigent and the helpless.

(6) To make and enforce all regulations which may be necessary and expedient for the preservation of health, and the prevention of the spread, or of the introduction into the city, of contagious, malignant, infectious, or other diseases.

(7) To acquire by purchase, condemnation, lease, gift or otherwise, or to construct, extend, maintain and operate within or without the city limits, any and all plants and property necessary or convenient for furnishing the city and its inhabitants, or other municipal corporations or territory outside the city, and the inhabitants thereof, with transportation, communication, telephones, telephone service or connections, terminal

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facilities, water, light, heat, power, refrigeration, storage, or any other public service; to sell the products or service of any such utility, and to acquire lands, rights and property necessary or convenient for furnishing such products or service; and for the purpose of such acquisition, construction, extension, maintenance or operation of any such public utility or service, the city shall have power to do any, all, or any number of the following:

(a) To acquire any such utility subject to outstanding bonds against the same, in an amount not to exceed the total price or consideration at which the city shall acquire such utility.

(b) To issue, without regard to the debt limit, bonds in an amount not to exceed the total price or consideration at which the city shall acquire any utility, such bonds to be a lien upon the property of such utility alone and the city otherwise not to be liable on account thereof; and to grant a security franchise for the operation of such utility in case of default in the payment of such bonds.

(c) To issue bonds against its general credit within the debt limit prescribed by law; but whenever such public utility shall, upon application by the city, be determined by the railroad commission of the State of California to be self-sustaining, then the bonds so issued may by ordinance approved by a majority of the voters voting thereon at an election, be excluded from the debt limit.

(d) To enter into a contract with the owner of any public utility held or operated under franchise rights acquired prior to the adoption of this charter, by the terms of which contract the city may acquire an option or right to purchase, upon such notice as may be prescribed in such contract, or may agree to purchase all or any part of the property of such utility, upon paying therefor a price to be fixed in accordance with the terms of the contract. Such contract may provide that the city may acquire the utility subject to all or any portion of the outstanding indebtedness against the same, within the limitations above

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prescribed, but no such contract shall be valid until it is approved by a majority of the qualified electors of the city voting thereon at an election. The financial obligation assumed by the city under any such contract shall not be subject to the debt limitation until the purchase is actually consummated, and then may be exempted by ordinance, approved by a majority of the electors voting thereon at an election, from such limitation, if the state railroad commission shall determine that the utility is self-sustaining. The provisions of the contract in this paragraph (d) mentioned need not include any, and the sale contract shall not be subject, as to the price to be paid thereunder, to any limitation prescribed in section 2 of this charter, of which section this paragraph (d) is a part. Nothing in any such contract contained shall operate to extend the term of any franchise of any utility therein mentioned.

(e) To acquire all necessary land, rights and property, either within or without the city limits, or both within and without such limits.

No public utility, plant or property owned by the city, except as herein otherwise provided, shall ever be leased for private operation for a longer period than ten years.—[Amendment, 1913.]

(8) To provide for supplying surplus water, gas or electricity belonging to the city, or the surplus product or service of any public utility conducted or operated by the city, to other municipal corporations, and to consumers and users outside of the city limits; *provided*, that the supplying or distribution of water, light or power, for use outside of the city, as aforesaid, shall, in every case, be subject to the paramount right of the city at any time to discontinue the same, in whole or in part, and to take and hold, or to distribute such water, light and power, or either thereof, for the use of the city and its inhabitants.—[Amendment, 1913.]

(9) To acquire by purchase, lease, condemnation or otherwise, or construct, and to own, maintain, equip and operate,

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telephone systems and telegraph systems, or other means of communication; also street railways, railroads and interurban railroads, steamships, steamboats, sailing vessels, ferries, or other means of conveyance, by land or water, between points within the city limits, or from points within to points without the city limits, either within or without the State of California, for the purpose of transporting passengers and freight, or either.

(10) To improve, maintain and control the water-front and harbors of the city; to acquire by purchase, lease, condemnation or otherwise, or construct, and to maintain, deepen, widen, cover, wall, or alter waterways, channels, slips and canals; and to provide, by purchase, lease, condemnation or otherwise, or construct, and to own, maintain, equip and operate elevators, warehouses, bunkers, wharves, docks, drydocks, piers, marine ways, levees, sea walls, moles, drawbridges, and other structures and appliances for facilitating or accommodating commerce or navigation in waters within the limits of the city.

To license, regulate and control or restrain the landing, anchorage, moorage, and loading and unloading of steamships, steamboats, sailing vessels, tug boats, rafts, and all other water craft, within the jurisdiction of the city; to provide for the appointment of pilots, and to fix the rates of wharfage, dockage, towage, pilotage and tolls, and provide for the collection thereof, and to make and enforce regulations governing the use of harbors and other navigable waters, and the opening and passing of bridges within the city.

(11) To acquire, by purchase, lease, condemnation or otherwise, or to construct, and to own, maintain, equip and operate tunnels, conduits, viaducts and subways; to regulate and control the use thereof, and to fix and collect charges for such use.

(12) To fix and collect rates or charges for the use of and for all products of, or service by, any public utility conducted or operated by the city.

(13) To establish, lay out, open, extend, widen, narrow,

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or vacate, pave or repave, or otherwise improve streets, lanes, alleys, boulevards, crossings, courts, and other highways and public places.

(14) To contribute, whenever the public interest or convenience of the city may require, toward the cost and expense of the construction, by any other municipality, or by any county, of any bridge, viaduct, tunnel, or other public work or improvement, situated without, or partly within and partly without, the city, upon such terms and conditions as may be prescribed by ordinance.

(15) To provide, by purchase, lease, condemnation, construction, or otherwise, and to establish, own, equip, maintain and operate sewers, drains, sewage farms, and any other works or plants, within or without the city, for the collection, disposition or purification of the sewage of the storm waters of the city.

(16) To acquire, by purchase, condemnation or otherwise, or to lease and to hold, manage and control property, both real and personal, within or without the city, necessary or convenient for municipal purposes, or for the exercise of the powers of the corporation.

To acquire, hold and own stock in any corporation owning, controlling or operating any street or interurban railway situated in whole or in part within the limits of the city.

To receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for public, charitable or other purposes; and to do all things and acts necessary to carry out the purposes of such bequests, gifts and donations, with power to manage, sell, lease, or otherwise handle or dispose of the same, in accordance with the terms of the bequest, gift or donation.

(17) To sell, lease, convey or otherwise dispose of any or all the property of the city, subject to the limitations and exceptions elsewhere in this Charter prescribed, and provided that the

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city shall have no power to mortgage or pledge its property for any purpose.

To sell water, gas, electric current and all products of any public utility operated by the city.

(18) To levy and collect taxes upon real and personal property for municipal purposes; provided that the tax levied for any one year for all municipal purposes, other than the payment of interest on the municipal debt and the redemption of bonds, shall not exceed one dollar on each one hundred dollars' worth of taxable property.

(19) To levy and collect, or cause to be levied and collected, assessments upon property according to frontage, or upon property in districts according to benefits, to pay for the improvement of streets, or for the construction in any public street, alley or other public place, or in any right-of-way owned by the city, of sewers, drains, water or gas mains, and lines and conduits for transmitting electric current, and other pipes, mains, lines and conduits, or for other public improvements.

(20) To levy and collect annually a water assessment upon any lot or parcel of land which abuts on any street, alley or other public place, or portion thereof, in which distributing mains of the municipal water system are laid in front of such lot or parcel of land, and which property is not supplied with water therefrom, for the purpose of defraying the necessary expenses of conducting the department of the city government having charge of the distribution of water, of operating the municipal waterworks, and of making extensions, betterments and repairs of said works. Said assessments, as collected, shall be deposited in the treasury of the city to the credit of the fund known as the water revenue fund, and shall be subject to control and expenditure as in the case of other moneys in said fund.

(21) To license and regulate, under general and uniform laws, any lawful business or calling; to fix the amount of license tax thereon, and to prescribe the manner of enforcing

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the same; *provided*, that no discrimination in the amount of license tax shall be made between persons engaged in the same business, otherwise than by proportioning the tax to the amount of business done. To license, regulate, restrain, suppress, or prohibit any or all laundries, livery and sale stables, cattle and horse corrals, slaughter houses, butcher shops, brick yards, dance halls or academies, public billiard or pool halls or tables, bowling and tenpin alleys, boxing contents, sparring or other exhibitions, shows, circuses, games and amusements. To license, regulate or prohibit the construction and use of billboards, signs and fences.—[Amendment, 1913.]

(22) To suppress and prohibit prizefights, any and all forms of gambling, or fraudulent devices or practices, and all games of chance and gambling houses or places; and to authorize the confiscation and destruction of all instruments used for gambling, and all articles or goods held, or kept or offered for sale, contrary to law; also to suppress and prohibit any and all obnoxious, offensive, immoral, indecent, disreputable or disorderly houses, practices or places of business.

(23) To provide for the election or appointment of officers other than those designated in this Charter, whenever the public necessity or convenience may require, and prescribe their duties and fix their compensation; *provided* that such duties shall not include any of the duties of any officer designated in this Charter, or of his deputies or assistants.

(24) To fix the salaries of all municipal officers, except those whose salaries are fixed by this Charter.

(25) To provide and maintain a proper and efficient fire department, and to prescribe and enforce such measures, rules and regulations as may be necessary and expedient for the prevention and extinguishment of fires, and for the protection and preservation of property endangered thereby.

(26) To protect the property of the inhabitants of the city against inundations.

(27) To provide for the collection and disposal of garbage,

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animal and vegetable refuse, dead animals, ashes, rubbish and waste matter, and all other injurious and inconvenient matter.

(28) To provide for the use, government and control of all property, buildings, institutions and public places of the city.

(29) To incur indebtedness, by the issuance of bonds, for any of the purposes for which the city is authorized to provide, or for carrying out any of the powers possessed by the city; *provided* that, in the procedure for the creation of such bonded indebtedness, and for the issuance of such bonds, the general laws of the State of California, in force at the time such proceedings are taken, shall, so far as applicable, be observed and followed.

(30) To fix the rates to be charged and collected by any person, firm or corporation for water, gas, heat, light, power, refrigeration, storage, telephones, telephone service, or telephone connections, or the conveyance of passengers or freight by means of ferries, street or interurban railway cars, hacks, cabs, or other cars or vehicles for hire, or for the products of or service by any other public utility operated or conducted within the city limits; and to regulate and prescribe the extent, character and quality of any public utility service and the method of and charges for making connections with the property of patrons and consumers; to regulate the construction and operation of works or plants for the production, transmission or distribution of such service, and the works or plants of any other public utility; to prescribe, regulate and control the systems of account of any such public utility; to require the construction, operation and maintenance of extensions necessary for the accommodation of the public and the development of the city, or to acquire or construct such extensions, or cause the same to be constructed; and require the owner or operator of any such utility to operate or use such extensions, and to have and exercise all powers necessary or convenient for the complete supervision, control and regulation of all public utilities and public utility service in the city, including all powers

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of control and regulation respecting the same vested in the city at the time of the approval hereof by the legislature, or thereafter—[Amendment, 1913.]

(31) To make the violation of its ordinances a misdemeanor and to prescribe the punishment therefor by fine not to exceed five hundred dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment; *provided, however,* that any person sentenced to imprisonment for any such violation may, upon the order of the court or magistrate before whom the conviction is had, be committed to the city jail, branch city jail, workhouse, work farm, house of correction, detention home or other place provided by the city for the confinement, detention or reformation of offenders, and that any person, upon whom a fine or penalty for any such violation shall be imposed, may, upon the order of the court or magistrate before whom the conviction is had, be so committed, until such fine or penalty shall be fully paid, such payment to be made in such manner as shall be provided by ordinance; *and provided further,* that, in the case of any minor, judgment of fine or imprisonment for any such violation may be suspended upon any conviction had before such court or magistrate upon such terms and conditions as may be prescribed by ordinance.

(32) To provide for the confinement and reformation of vagrants, disorderly persons and persons convicted of violating any city ordinance, or of committing any misdemeanor; to make provision for housing or confining female offenders separately from male offenders, and provision shall be made for confining or housing minor offenders separately from adults; also to provide for the care, training and reformation of minor offenders, delinquents or dependents.

(33) To provide the places at which elections shall be held, to appoint the officers of election, to provide regulations for the purity of elections, including limitations upon the amounts of money that may be expended in connection with

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elections, and the purposes for which money may be so expended.—[Amendment, 1913.]

(34) To make and enforce within its limits such local police, sanitary and other regulations as are deemed expedient to maintain the public peace, protect property, promote the public morals and to preserve the health of its inhabitants.

(35) To have and exercise jurisdiction outside of the city, as follows, to-wit: Whenever it shall be authorized by the laws of the State of California, the City of Los Angeles shall have jurisdiction outside of its territorial limits, to be exercised by ordinance, for the following purposes:

First: To enforce the health and quarantine regulations of the city in and over all places within one mile beyond its limits, and to make such regulations applicable to such outside territory.

Second: To control or prohibit the erection or maintenance of crematories, or of any offensive or unwholesome business or establishments within one mile outside of the city limits, and to provide for the prevention, suppression or abatement of nuisances in such outside territory.

Third: To suppress or prohibit houses of ill fame or assignation.

Fourth: To control commerce and navigation in or upon navigable waters to the extent of three miles outside of the limits of the city, and to regulate the use of such waters.

Provided, however, that none of the foregoing powers shall ever be exercised over any territory or waters within the limits of any other municipal corporation.

(36) To exercise all municipal powers necessary to the complete and efficient management and control of the municipal property, and for the efficient administration of the municipal government, whether such powers be expressly enumerated herein or not.

(37) To do all such acts and exercise all such powers as conduce to the public welfare.

(38) To permit the construction of spur or side tracks and

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running cars thereon, for the purpose of connecting warehouses, manufactories or other business industries and enterprises with any line of railroad or railway within the city, upon such terms and subject to such regulations and conditions as may be prescribed from time to time by the council, such tracks to be used for transportation of freight only, and not to be used as a main line or a part thereof; and also for the purpose of excavating or filling in a street or portion of a street or the adjoining land, and for such limited time as may be necessary for such purpose and no longer. Such tracks must be laid and operated in such manner and under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the council.

(39) The powers conferred by this article shall be exercised by ordinance, except as otherwise provided in this Charter.

(40) To grant franchises, permits, or privileges for the construction and operation of plants necessary or convenient for furnishing the city and its inhabitants with transportation, communication, terminal facilities, water, light, heat, power, refrigeration, storage, or any other public service; to prescribe the terms and conditions of any such grant, and to prescribe by ordinance, approved by a vote of the people, the method of procedure for making such grants; subject, however, to the limitations elsewhere contained in this Charter. No such grant, unless otherwise provided in this Charter, shall be made for a period exceeding twenty-one years. No grant for an extension of an existing utility shall be made for a period beyond the expiration of the franchise under which such utility or the portion of the utility with which such extension is to be connected, is held or operated, nor in any case for a period longer than twenty-one years. The city may by ordinance, upon the expiration of any franchise for a fixed or limited term, grant a renewal thereof for a period not to exceed three years in any one renewal, which renewal shall be terminable upon one year's writ-

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ten notice by the city. Such renewal shall not obligate the city in any manner over and above the obligations assumed by the city in the original franchise. Any such renewal may be succeeded by a similar renewal, but the sum total of such renewals on any given franchise shall not exceed twenty-one years.

Except as otherwise in this Charter provided, every franchise, permit or privilege for the construction, extension or operation of a public utility shall reserve to the city the right to purchase the property of such utility, or find a purchaser therefor, after a period not exceeding five years from the date of the grant, upon one year's written notice, either at an agreed price or at a price to be determined in a manner prescribed in the grant. In fixing in any franchise the price to be paid by the city for any utility no allowance shall be made for franchise value, good will, going concern, earning power, increased cost of reproduction or increased value of right-of-way. All such grants, including grants of extensions, shall be by ordinance subject to the referendary provisions of this Charter.—[Amendment, 1913.]

(41) No wharf, dock, sea-wall, pier, mole, warehouse, dry-dock, marine way, railroad, interurban railroad, street railway, electric road, traction road, steamship or vessel, or other means of transportation, or telephone system, telegraph system, canal, conduit, subway, water system, gas or electric plant or system, light or power works or plant, or any property used in connection therewith, or any public utility, now or hereafter owned or controlled by the City of Los Angeles, or the right to generate or develop electric or other power by means of any water or water right now or hereafter owned or controlled by said city, shall ever be sold, conveyed, transferred, leased, or otherwise disposed of, in whole or in part, without the assent of two-thirds of the qualified voters of said city voting on the proposition at a general or special election at which such proposition shall be lawfully submitted. And no electric power now or hereafter owned or controlled by the city shall ever be sold,

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transferred, leased or disposed of to any person or corporation for re-sale, rental, disposal or distribution to consumers, or other persons, without the assent of two-thirds of the qualified voters of said city given as aforesaid; *provided*, that nothing in this subdivision contained shall be construed to prevent the ordinary sale and distribution by the city of electric power, belonging to the city, to the inhabitants thereof, or persons doing business therein, for their own use, or to prevent the distribution or supplying, by the city, of surplus electric power not required by the city for distribution to consumers within its limits, to consumers outside of the limits of the city, for their own use, or to other municipal corporations for municipal use, or for re-sale and disposal by such municipal corporations to consumers within such municipalities, respectively.

(42) The bed of the Los Angeles river, as now or hereafter defined and located, shall not, nor shall any part thereof, ever be sold, granted, leased, transferred or alienated in any way; but the whole thereof shall be kept at all times for municipal purposes, and no franchise or right to use the same, or any part thereof, shall ever be granted, sold, leased or given away; *provided*, that this section shall not prevent the granting, by ordinance, of franchises or rights to cross said river bed, or to take sand or gravel therefrom, or to prevent the transportation by the city over any municipal railroad constructed by said city upon, across or along said bed of the Los Angeles river, of the motors, engines, cars or trains of any private person, firm or corporation operating any other line or system of railroad, or to prevent the city from permitting any such person, firm or corporation to run or operate motors, engines, cars or trains over such municipal railroad, the movement or handling of which motors, engines, cars or trains shall be subject at all times to the control of the city, under such terms and conditions, and under such rules and regulations as may be prescribed by ordinance; such transportation by the city over a municipal railroad, of the motors, engines, cars or trains of any

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private person, firm or corporation, and permits to any such person, firm or corporation to run or operate motors, engines, cars or trains over such municipal railroad to be provided for only under a general ordinance authorizing such transportation and permit and allowing equal rights therein and thereto, without discrimination, to all such persons, firms and corporations applying for the same in a manner to be prescribed in such ordinance.—[Amendment, 1913.]

(43) To grant franchises to cross public streets or ways for street, interurban or other railroads operated on or suspended from elevated structures or through subways on private rights-of-way for a period not to exceed forty years, subject to the right of the city to purchase all or any part of the property of such utility, whether inside or outside the city limits, or both, or find a purchaser therefor, at the end of the period of such grant, upon the terms and conditions specified in the franchise; but in no such case shall any payment be made on account of franchise value, good will, going concern, earning power, increased cost of reproduction or increased value of right-of-way. If the city shall fail to exercise its option of purchasing the property of such utility at the end of the period of such grant, then the franchise, if it shall contain a provision for purchase by the city, shall be renewed for a period not to exceed ten years. Such renewals shall be subject to the right of the city to purchase the property of the utility at any time upon two years' notice, upon the same terms provided in the original franchise. No franchise for an elevated structure or subway shall be granted in or along any street or way in a longitudinal direction, either above or below the surface thereof, and every right so granted to cross any public street or way shall be subject to the right of the city to regulate the crossings of subways or elevated roads; and every ordinance making such a grant shall reserve to the city, for municipal subways or municipal elevated roads, its choice of levels, or grades, such choice to be made therein, and such ordinance shall require that privately

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owned subways or elevated roads be so constructed as not to interfere with the levels for municipal subways or municipal elevated roads so chosen and reserved, or with the operation of municipal lines upon such levels.

Any franchise for a subway to cross either Hill, Broadway, Spring or Main streets, shall reserve, at the crossing points on said streets, to the city, the upper subway level for municipal subways and other municipal purposes, and shall grant only the second or lower subway level at such crossing points.

No franchise for a subway shall require the city, in the event of its purchasing such subway, to take surface property or pay for surface values.—[Amendment, 1913.]

(44) To create and maintain, and provide for the disbursement of a fireman's relief, health, life insurance and pension fund, to be used for the payment of pensions to members of the fire department of the city who shall be retired from such department; for the payment of pensions to members of such department who shall become physically disabled by reason of bodily injuries received in, or by reason of sickness caused by, the discharge of their duties, and for the payment of pensions to the widows and children of members of such fire department who shall have died from bodily injuries received or sickness or disease contracted in the performance or discharge of their duties. Said fund shall be created, maintained and disbursed in such manner as may be prescribed by ordinance.

Commencing with the fiscal year of 1913 the City Council shall appropriate, create and set apart for this purpose a fund to be called the "Firemen's Pension Fund" out of the revenue and taxes of the city, and such fund shall amount to not less than two and one-half per cent of the total annual pay roll of the members of the fire department, and shall immediately prescribe by ordinance for the disbursement of said fund; *provided*, that no part of said fund shall be created, maintained, provided or collected from the salaries or wages of any member or members of the fire department.

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The disbursement of said "Firemen's Pension Fund" as provided for by ordinance shall be left to the exclusive control, discretion and judgment of a commission of three persons, to be called the "Firemen's Pension Commission," the said commission to consist of the chief engineer of the fire department, the health commissioner and the president of the Council. Said commission shall make semi-annual reports to the City Council of all moneys received and disbursed by them.—[Amendment, 1913.]

(45) To create and maintain, and provide for the disbursement of a policemen's relief, health, life insurance and pension fund, to be used for the payment of pensions to members of the police department of the city who shall be retired from such department; for the payment of pensions to members of such department who shall become physically disabled by reason of bodily injuries received in, or by reason of sickness caused by, the discharge of their duties, and for the payment of pensions to the widows and children of members of such police department who shall have died from bodily injuries received, or sickness or disease contracted in the performance or discharge of their duties. Said fund shall be created, maintained and disbursed in such manner as may be prescribed by ordinance.

Commencing with the fiscal year of 1913, the City Council shall appropriate, create and set apart for this purpose a fund to be called the "Policemen's Pension Fund" out of the revenues and taxes of the city, and such fund shall amount to not less than two and one-half per cent of the total annual pay roll of the members of the police department, and shall immediately prescribe by ordinance for the disbursement of said fund; *provided*, that no part of said fund shall be created, maintained, provided or collected from the salaries or wages of any member or members of the police department.

The disbursement of said "Policemen's Pension Fund," as provided for by ordinance, shall be left to the exclusive control,

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discretion and judgment of a commission of three persons, to be called the "Policemen's Pension Commission," the said commission to consist of the Chief of Police, the Health Commissioner and the President of the Council. Said commission shall make semi-annual reports to the City Council of all moneys received and disbursed by them.—[Amendment, 1913.]

(46) To grant franchises or privileges in, on, through, across, under or over any street, avenue, alley, bridge, viaduct, tunnel, subway or other public place, or upon the water front or in or upon navigable waters within the city; to prescribe the terms and conditions of any such grant, and to prescribe by ordinance the method of procedure for making such grants; subject, however, to the limitations elsewhere contained in this article.

(47) The City Council shall not appropriate or provide any public money for the printing, publication, sale or distribution of a municipal newspaper.—[Amendment, 1913.]

(48) To acquire private property by excess condemnation when the same shall be permitted by the constitution or laws of the State.—[Amendment, 1913.]

(49) To permit and control the construction and maintenance of passageways or structures under or over public alleys for the purpose of connecting buildings located on abutting property.—[Amendment, 1913.]

(50) The City of Los Angeles shall have and it is hereby given and it hereby reserves unto itself, and the people of the city hereby reserve unto it, and the people of the State of California hereby grant unto it, and said city may hereafter exercise each and every of the powers which a municipal corporation might or could exercise under the constitution of the State of California; and said city may hereafter acquire, own, hold, sell, deal in, manage, operate or control any office, department, business, enterprise, utility, or property which might or could be acquired, owned, held, sold, dealt in, managed, operated or controlled by any person, firm or corporation what-

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soever; *provided*, that under the authorization of this subdivision the City of Los Angeles shall not engage in any purely commercial or industrial enterprise not now engaged in by the city, except on the approval of a majority of the electors voting thereon at an election. By the insertion in this Charter of the sentence next preceding the present sentence, the City of Los Angeles and the people thereof intend, and the people of the State of California, acting by and through the Legislature thereof in ratifying this Charter, intend that the said sentence shall be, and is hereby declared to be, an express grant of the powers referred to therein, without a more specific enumeration or designation.—[Amendment, 1913.]

ARTICLE II.

[Amendment, 1911.]

OFFICERS OF THE MUNICIPALITY.

Sec. 3. The officers of the city shall be:

A Mayor.

Nine Councilmen.

A City Clerk.

A City Treasurer.

A City Auditor.

A City Tax and License Collector.

A City School Superintendent.

Seven Members of the Board of Education.

Five Directors of the Los Angeles Public Library.

A City Assessor.

A City Engineer.

A City Attorney.

A City Prosecutor.

Three Police Commissioners.

A Chief of Police.

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Three Fire Commissioners.

A Chief Engineer of the Fire Department.

A Health Commissioner.

Five Public Service Commissioners.

A Chief Engineer of Water Works.

An Electrical Engineer.

Three Park Commissioners.

Three Commissioners of Public Works.

A Secretary of the Board of Public Works.

A Purchasing Agent.

Three Commissioners of Public Utilities.

Three Harbor Commissioners.

Five Playground Commissioners.

Nine Municipal Art Commissioners.

Sec. 4. The following officers shall be elected by the electors of the City of Los Angeles at large:

The Mayor.

The City Attorney.

The City Auditor.

The City Assessor.

Seven Members of the Board of Education, and

Nine Members of the Council.

Sec. 5. All elective officers shall hold their offices for a term of two years, commencing on the first Monday in July next succeeding their election, at twelve o'clock noon; *provided, however,* that the term of office of the present elective officers of the city shall expire on the first Monday in July, 1913.—[Amendment, 1913.]

Sec. 6. The Mayor shall appoint a Clerk of the Mayor, the Chief of Police, the Chief Engineer of the Fire Department, and the Health Commissioner. He shall also appoint, subject to confirmation by a majority of the Council, the officers of the municipality mentioned in this Charter whose appointments are not otherwise specifically provided for herein.

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Sec. 7. The City School Superintendent shall be appointed by the Board of Education.

Sec. 8. An office becomes vacant when the incumbent thereof dies, resigns, is adjudged insane, convicted of a felony, or of an offense involving a violation of his official duties, or is removed from office, or fails to qualify within ten days from the time he receives his certificate of election or appointment, or shall have been absent from the city without the consent of the Council for more than sixty consecutive days, or ceases to be a resident of the city, where residence therein is, by this Charter, made a qualification for the office.

Sec. 9. All appointed officers of the city shall, unless otherwise provided in this Charter, hold their offices for a term of four years, and until their successors are appointed and qualified; *provided*, that the appointing power shall have the power of removal in all cases. Where confirmation is required, the assent of the confirming body shall be requisite for removal.

The Council may suspend any elective officer, and the appointing power may suspend any appointive officer, pending trial, against whom criminal proceedings, based on malfeasance or misdemeanor in office, or civil action for the recovery of money due the city has been commenced, and appoint a substitute for such officer during such suspension.

In all voting upon the appointment, confirmation, suspension and removal of officers, the members of the Council, or other body appointing, confirming, suspending or removing, shall vote by open ballot or call of roll, and the ballot or vote of each member shall be spread upon the minutes.

Sec. 10. Every officer provided for in this Charter shall, before entering upon the discharge of the duties of his office, take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge

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the duties of the office of (here inserting the name of the office) according to the best of my ability."

Sec. 11. No member of the Council shall, during the term for which he shall have been elected, be eligible to any office to be filled, or appointment to which is subject to confirmation, by the Council; nor shall any member of the Council be selected to fill any vacancy that may occur in any other office where such a vacancy is to be filled, or appointment to which is subject to confirmation by the Council.

Sec. 11a. The Council shall have power, by ordinance, to issue instructions to any appointive administrative board, commission or officer of the city, except to the Board of Civil Service Commissioners; *provided*, that such instructions shall relate to and not be inconsistent with the duties, as prescribed by the Charter or otherwise by law, of the board, commission or officer so instructed, and shall not be in conflict with or restraint of any instructions or delegation of authority made to any such board, commission or officer by any ordinance approved by a majority vote of the electors of the city heretofore or hereafter voting thereon at an election. The failure of any board, commission or officer to obey any instruction issued by the Council under the provisions of this section shall, in addition to any other cause provided by law, constitute cause for the removal from office of any official so failing to obey such instruction.

Immediately after the first Monday in July, 1913, all the functions of the government of the city shall, by ordinance, be divided or grouped into nine divisions, and each member of the Council shall, as provided in such ordinance, be the Council committeeman for one of such divisions. It shall be the duty of each such committeeman to be fully informed of the business of the city included within the division to which he is assigned, and to report to the Council such information or recommendations concerning the business of such division as shall be necessary to enable the Council properly to legislate for such divi-

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sion. Each Council committeeman shall, as such committeeman, have no administrative control over the various functions of the city government embraced within the division to which he is assigned, but shall perform the duties of investigation for and recommendation to the Council in its work of legislation, and the administration of all the branches of the city government embraced within the said nine subdivisions shall continue to be vested in the officials duly elected or appointed in accordance with the provisions of this Charter.—[Amendment, 1913.]

ARTICLE III.

POWERS AND DUTIES OF THE COUNCIL.

Sec. 12. All legislative power of the city, except as hereinafter otherwise provided, is vested in the Council, subject to the power of veto and approval by the Mayor, as hereinafter given, and shall be exercised by ordinance; other action of the Council may be by order upon motion.—[Amendment, 1911.]

Sec. 13. The said Council, consisting of nine Councilmen, elected as herein provided, is the governing body of the city, and shall meet daily, Sundays and holidays excepted, and shall by ordinance provide for the manner, time and place of holding all regular and special meetings.—[Amendment, 1913.]

Sec. 14. The Council shall meet in the City Hall of the city. The records of its proceedings shall be open for inspection during usual office hours.

Sec. 15. The enacting clause of all ordinances shall be substantially as follows: "The Mayor and Council of the City of Los Angeles do ordain as follows:"

Sec. 16. Six members of the Council shall constitute a quorum for the transaction of business, but no ordinance shall be passed or other act done granting a franchise, making any contract, auditing any bill, ordering any work to be done, or sup-

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plies to be furnished, disposing of or leasing the city property, ordering any assessment for street improvement, or building sewers, or any other act to be done involving the paying of money, or the incurring of debt by the city, unless two-thirds of the members of the whole Council vote in favor thereof. All other ordinances may be passed by a vote of a majority of the whole Council.

Sec. 17. All bonds of officers must be approved by the Council, as also the bonds of any contractors with the city, except as otherwise provided in this Charter. The City Clerk shall indorse upon bonds approved by the Council the date of their approval, which indorsement shall be signed by the presiding officer of the Council and the City Clerk.

No officer of the city shall be a surety on any bond given to, or for the benefit of the city.—[Amendment, 1911.]

Sec. 18. No member of the Council shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the city is party. No city official shall vote on or participate in any contract or transaction in which he is directly or indirectly financially interested. No city official shall be financially interested, directly or indirectly, in any contract, sale, or transaction to which the city is a party and which comes before said official, or the department of the government with which he is connected, for official action. If any officer of the city shall, during the term for which he was elected or appointed, so vote or participate, he shall, upon conviction thereof, forfeit his office and be punished for misdemeanor. Any contract or transaction hereinabove mentioned in which any officer of the city shall be or become financially interested shall become void at the election of the city, to be declared by resolution of the Council.—[Amendment, 1913.]

Sec. 19. The City Clerk shall be present at the meeting of the Council during its sessions.

Sec. 20. The meetings of the Council shall be public, and a journal of the proceedings shall be kept by the Clerk under

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its direction, and the ayes and noes shall be taken and entered in the journal in the final action upon the granting of franchises, making of contracts, auditing bills, ordering work to be done or supplies furnished, disposing of or leasing city property, the passage of any ordinance, the ordering of assessments for street improvements, or building of sewers, or upon any other act that may involve the payment of money, or the incurring of a debt by the city, and upon the payment of the salaries of the municipal officers; and in all other cases upon the call of any member.

Sec. 21. The Council shall be the judge of the election and qualifications of its members. It shall elect one of its members as its presiding officer, who shall be styled the President of the Council, and who shall, in case of sickness of the Mayor or his absence from the city, act as the Mayor of the city. The Council shall have power to prescribe the rules of its proceedings, and to preserve order at its meetings, and may punish contemptuous or disorderly conduct committed in its presence by fine not exceeding fifty dollars, or by imprisonment not exceeding ten days, or by both such fine and imprisonment.—[Amendment, 1911.]

Sec. 22. It shall prescribe by ordinance the duties of all officers whose duties are not defined by this Charter, and it may by ordinance prescribe for any officer duties other than those herein prescribed and not inconsistent with the provisions of this Charter, and may fix the hours during which the public office of any city officer shall be kept open, if not otherwise herein provided.

Sec. 23. It shall, except as otherwise provided herein, provide suitable rooms and offices for the courts, boards and officers of the city, and such furniture, fuel, lights, stationery and other supplies as are necessary for the transaction of the public business.—[Amendment, 1911.]

Sec. 24. It shall by ordinance regulate the entrance to and exits from theatres, lecture rooms, churches, public halls, and

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public buildings of every kind, and prohibit the placing of chairs, benches or other obstructions in the hall, aisles or open places therein.

Sec. 25. It may, by ordinance, declare what constitutes a nuisance, and provide for the abatement and removal thereof.

Sec. 26. It shall make such arrangements as it may deem best for the care and custody and feeding of all persons imprisoned by municipal authority, or sentenced to imprisonment by the Police Courts, and may, by ordinance, require all persons so imprisoned or sentenced to imprisonment to work for the city within or without any city jail, branch city jail, work house, work farm, house of correction, detention home, or any other place provided by the city for the confinement or reformation of offenders, not exceeding eight hours each working day; *provided, however*, that for such work the person so employed shall be allowed two dollars for each day's work, on account of such fine or penalty.—[Amendment, 1911.]

Sec. 27. It shall, by ordinance, regulate, and may prohibit, the keeping of gunpowder, acids or other explosive, combustible or inflammable material within the limits of the city, or any specified part thereof.

Sec. 28. It shall provide for the surveys of streets and blocks of land within the limits of the city, and may, by ordinance, declare such surveys official, and may compel all persons to conform to the streets as they are now or may be hereafter lawfully established and declared official, or otherwise dedicated.

It may, by ordinance, provide for making and establishing surveys and plans of streets, lanes, alleys, boulevards, courts and other public places proposed to be laid out, opened, widened, straightened or extended by the city within its limits, prescribe the method of procedure therefor, and require owners of property to conform to such surveys and plans in platting or subdividing their lands and in making improvements thereon.—[Amendment, 1911.]

Sec. 29. It shall, by ordinance, establish stands for hacks,

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public carriages, automobiles, express wagons and other vehicles for hire, and require a schedule of the charges of any such hack, carriage, automobile, express wagon or other vehicle, to be posted therein.—[Amendment, 1911.]

Sec. 30. It shall, by ordinance, establish fire districts, and determine the character and height of buildings that may be erected therein, and the nature of the materials to be used in the construction, alteration or repair of such buildings, or in the repair or alteration of existing buildings within such districts.

It shall, by ordinance, regulate the construction of and the materials used in all buildings, chimneys, stacks, scaffolding, staging and false work and other structures; prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys; stacks or other structures, and provide for their summary abatement or destruction; regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes, and the materials used in, and the method of piping buildings, or other structures, for the purpose of supplying the same with water, steam, oil or gas; and prohibit the construction of buildings and structures which do not conform to such regulations.—[Amendment, 1911.]

Sec. 30-a. No building shall be erected within said city of a height exceeding one hundred and fifty feet, except public buildings and monuments, and except spires, domes and towers of houses of religious worship, when authorized by ordinance passed by two-thirds vote of the Council; and except other structures or buildings, or parts of buildings, not designed for business, manufacturing or commercial purposes, when authorized by ordinance adopted by a vote of a majority of the qualified electors of the city voting thereon at an election at which such ordinance may be submitted.—[Amendment, 1911.]

Sec. 31. It shall have power, by ordinance, to regulate the

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size, quality and location of all water pipes, gas pipes and all other pipes and conduits laid or constructed in the streets, highways and public places of the city, and to require the filing of charts and maps of such pipes and conduits; also to regulate or prohibit the placing or maintaining of poles and the suspending of wires along or across any of the streets, highways and public places of the city, and to cause the removal and placing under ground of all telephone, telegraph, electric light, or other wires, within the city, or within any designated portion thereof.—[Amendment, 1911.]

Sec. 32. It shall, by ordinance, provide for the naming of streets and numbering of houses, and for regulating or preventing the exhibition of banners, flags or placards across the streets or sidewalks, and for regulating or suppressing public criers, advertising, ringing of bells and other noises.

It shall, by ordinance, forbid the erection or display on any building or property of the city, of any banner, device or flag of any State or Nation except that of the United States, the State of California, or the City of Los Angeles.

It may, by ordinance, authorize the expenditure of money, not to exceed the sum of five thousand dollars, in any one fiscal year, for the proper celebration of the anniversary of the declaration of national independence, and such other public celebrations, events or demonstrations as the Council may deem proper.

It may, by ordinance, authorize the offering of rewards for the apprehension and conviction of any person who may have committed a felony in the city, and for the recovery of lost property of the city, and provide for the payment of such rewards.—[Amendment, 1911.]

Sec. 33. It shall, by ordinance, provide for maintaining a fire alarm and police telegraph system, and for the cleaning and sprinkling of graded and accepted streets.

Sec. 34. It shall, by ordinance, regulate the speed of railroad trains, engines or cars, street, or other railroad cars, automobiles and other vehicles in the city, and require persons, firms

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or corporations, operating railroads or street or other railroads, to station flagmen, place gates, or construct bridges, viaducts, tunnels or subways, at railroad crossings, as the Council may deem proper.—[Amendment, 1909.]

Sec. 35. It shall, by ordinance, regulate the length of railway trains which may pass along the public streets or highways, and prohibit the making up of railway trains on the public streets and the stopping of trains on street crossings.—[Amendment, 1911.]

Sec. 36. It shall, by ordinance, provide for the removal of all rubbish, garbage, refuse matter, and of all material detrimental to the public health, and at such time as it will be the best for the public good.

Sec. 36-a. The Council shall have power, by ordinance, to provide for the planting, maintenance, or care of shade and ornamental trees in streets and other public places, and for the removal of unsightly and dead trees therefrom; and to make the cost thereof a lien and charge upon the abutting property, and to make provision for the enforcement of such lien.

Sec. 36-b. The Council shall have power, by ordinance, to provide for the removal, from private lands or lots, of weeds, rubbish, or any other material which may endanger or injure neighboring property, or the health or welfare of the residents of the vicinity; to make the cost thereof a lien and charge upon such lands or lots, and to make provision for the enforcement of such lien.

Sec. 36-c. The Council shall have power, by ordinance, to require the owners of real property in the city to remove grass, weeds or obstructions from the public sidewalks in front of their property, and, upon their default, to cause such work to be done and the cost thereof to be made a lien and charge upon such property, and to make provision for the enforcement of such lien.

Sec. 36-d. The Council shall have power, by ordinance, to require the owners of real property fronting upon any street,

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lane, alley or other public place, in which there are sewers, water or gas mains or other mains or conduits, to connect their several premises therewith before such street, lane, alley or other public place, or the portion thereof upon which such property fronts, is paved or otherwise improved, and, upon their default, cause such connections to be made and to make the cost thereof a lien and charge upon the property so connected, and to make provision for the enforcement of such lien.

Sec. 36-e. Except as otherwise provided in this Charter, or in the Constitution of the State of California, the Council shall have power, by ordinance, to regulate and control, for any and every purpose, the use of the streets, lanes, alleys, courts and sidewalks, and other public places of the city.

Sec. 36-f. The Council shall have power, by ordinance, to set apart as a boulevard, or boulevards, any street or streets, or portions thereof, and to make regulations for the use of the same.

Sec. 36-g. The Council shall have power, by ordinance, to provide for the licensing of dogs, the seizure and impounding of unlicensed dogs, the care and protection of lost, strayed or homeless dogs, for the protection of the public against dogs, and the destruction of dangerous or vicious dogs, whether licensed or not; to authorize contracts to be made in the name of the city for the care or protection of, or the prevention of cruelty to animals, for the capture and impounding of all unlicensed dogs, and the maintenance of a shelter for lost, strayed, or homeless dogs; provided, however, that the compensation to be paid therefor must not exceed, in any one year, the amount collected by the city from the payment of licenses for dogs during such year.—[Amendment, 1909.]

Sec. 36-h. It may, by ordinance, provide for the creation and organization of a commission on the city plan, to serve without compensation, and prescribe the powers and duties of such commission.—[Amendment, 1911.]

Sec. 36-i. It shall, by ordinance, regulate the amounts to

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be paid, loaned, contributed or expended, or otherwise provided, directly or indirectly, to, for or by candidates for nomination for elective offices voted for at primary nominating elections, or services of any kind to be rendered to or for such candidates, in order to secure or aid in securing their nomination, and regulate the amounts to be paid, contributed or expended, directly or indirectly, to, for or by candidates voted for at any general election, or services of any kind to be rendered to or for such candidates in aid of their election, and provide suitable penalties for the violation of such regulations.—[Amendment, 1911.]

Sec. 37. Every ordinance which shall have been passed by the Council shall, before it becomes effective, be signed by the City Clerk or other person authorized by the Council to sign the same on its behalf, and be presented to the Mayor for his approval and signature, if he approves it; if not, he shall indorse thereon the date of the presentation to him and shall return it to the City Clerk with his objections in writing. The City Clerk shall indorse thereon the date of its return to him, and shall at the first meeting of the Council thereafter present the same, with the objections of the Mayor, to that body. Thereupon the Council shall proceed to reconsider the passage of the ordinance. Upon such reconsideration, in all cases where the votes of two-thirds of the whole Council are required to pass the ordinance in the first instance, it shall require the votes of three-quarters of the whole Council to pass the ordinance over the Mayor's veto. In all other cases it shall require the votes of two-thirds of the whole Council to pass the ordinance over the veto. The vote, in all cases of reconsideration, shall be by ayes and noes, and the names of the members voting for or against shall be entered upon the journal.

Sec. 37-a. If any ordinance be presented to the Mayor containing several items appropriating money or fixing a tax levy, he may object to one or more items separately, while approving other portions of the ordinance. In such case he shall append to the ordinance at the time of signing it a statement of the

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item or items to which he objects and the reasons therefor, and the item or items so objected to shall not take effect unless passed by the Council, notwithstanding the Mayor's objection. Each item so objected to shall be separately reconsidered by the Council in the same manner as ordinances which have been disapproved by the Mayor.—[Amendment, 1911.]

Sec. 38. If any ordinance shall not be returned to the City Clerk by the Mayor, with his objections in writing, within ten days after it shall have been presented to him, it shall become effective and be as valid as if the Mayor had approved and signed it.

Sec. 38-a. All lawful city ordinances, resolutions and regulations in force at the time this section takes effect, and not inconsistent with the provisions of this Charter, are hereby continued in force until the same shall be duly amended or repealed.—[Amendment, 1911.]

Sec. 39. All ordinances finally adopted under the provision of this Charter shall be published in the English language by at least one insertion in some daily newspaper printed and published in the City of Los Angeles, or by posting for at least ten days in three public places in said city, and until and without such publication or posting no ordinance shall be valid or take effect.

Sec. 39-a. No ordinance shall be passed finally on the day it is introduced, but the same shall be paid over for one week, unless approved by unanimous vote of all the members of the Council present, provided there shall be not less than seven members present.—[Amendment, 1911.]

Sec. 40. The Council shall also have full power to pass ordinances upon any other subject of municipal control or to carry into effect any other powers of the municipality.

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ARTICLE IV.

POWERS AND DUTIES OF OFFICERS.

MAYOR.

Sec. 41. The Mayor is the executive officer of the corporation, and must exercise a careful supervision over all its affairs.

It shall be the duty of the Mayor, annually, at the first meeting of the Council under this Charter, and on the first meeting in January of each year thereafter, to communicate by message to the Council a general statement of the condition and affairs of the corporation, and to recommend the adoption of such measures as he may deem expedient and proper; and to make such special communication to the Council from time to time as he shall deem expedient.

It shall be his further duty to be vigilant and active in the enforcement of the ordinances of the city; to exercise a constant supervision over the acts and conduct of all its officers and employees; to receive and examine into all complaints made against them for violation or neglect of duty, and certify the same to the Council, or proper board.

And he shall perform such other duties and have such other powers as are elsewhere in this Charter, or by ordinance, imposed upon or granted to him.

CITY CLERK.

Sec. 42. The City Clerk shall have the custody of, and be responsible for, all books, papers, records and archives belonging to the city, not in actual use by other officers, or elsewhere by special provision committed to their custody.

He shall be present at each meeting of the Council, and keep a record of its proceedings.

He shall keep separate books in which respectively he shall record all ordinances and contracts and official bonds.

He shall keep all the books properly indexed, and open to public inspection when not in actual use.

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He shall make out, sign and deliver to the City Auditor all licenses other than building permits, and perform such other duties as are, or shall be, imposed by this Charter, or by ordinance. He shall devote his entire time to the duties of his office.

CITY AUDITOR.

Sec. 43. The City Auditor shall be the general accountant of the city, and shall exercise a general supervision over all of the officers, boards and commissions of the city charged in any manner with the receipt, collection or disbursement of the moneys of the city. He shall have power to prescribe the method of installing, keeping and rendering all accounts of the several officers, boards or commissioners of the city; *provided, however,* that any change of the system of accounting shall first be authorized by the Council. 

The City Auditor shall keep in his office a complete set of accounts, which shall show, at all times, the financial condition of the city and the state of each fund, from what source the money was derived, and for what purpose any money was expended.

He shall, on application of any person indebted to the city, holding money payable into the City Treasury, or desiring to pay money therein, certify to the City Treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall upon the deposit of the receipt of the City Treasurer for money paid into the City Treasury, charge the City Treasurer with the amount received by him, and give the person paying the same a receipt therefor.

It shall be his duty to apportion among the several funds all public money at any time in the City Treasury, not by law or ordinance specifically apportioned and appropriated, and forthwith notify the City Treasurer of such apportionment or appropriation. He shall countersign and deliver to the proper officer all licenses. 

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He shall report to the Council at its second regular meeting of each month the condition of each fund in the City Treasury and the amount drawn from each fund during the preceding month, and shall render to the Council such other or special reports as it may from time to time require.

He shall make and present a report to the Council on or before the fifteenth day of August of each year, showing all financial transactions of the city for the fiscal year ending the 30th day of June last preceding.

He shall audit and approve all demands against the city before payment, and keep a record of the same, as hereinafter provided in Article XXI.

The City Auditor shall perform such other duties and exercise such further powers as may be elsewhere prescribed for him by the Charter or by ordinance. He shall devote his entire time to the performance of the duties of his office—[Amendment, 1911.]

CITY TREASURER.

Sec. 44. It shall be the duty of the City Treasurer to receive and keep all moneys that shall come to the city by taxation or otherwise, and to pay the same out on demands legally audited in the manner hereinafter provided; and without such auditing he shall disburse no public moneys whatever, except the principal and interest of the municipal debt when payable.

He shall receive no money into the City Treasury unless accompanied by the certificate of the City Auditor provided for in Section 43 hereof.

He shall issue receipts in duplicate to all persons paying money into the Treasury.

One of which receipts shall be forthwith deposited with the City Auditor.

He shall make a report at the close of each business day to the Auditor, showing all moneys received during the day, together with the number of each receipt given by him therefor,

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and what account and from whom received and to what fund applied.

He shall, on or before the seventh day of each month, make out and present to the Council a full and complete statement of the receipts and expenditures for the preceding calendar month, and he shall make such special reports from time to time as may be required by the Council.

The Mayor, City Attorney, City Auditor, the Finance Committee of the Council, or any special committee appointed by the Council, separately or collectively, and with the aid of an accountant selected by such officer or committee, shall have the right and power to examine the books of the Treasurer at all times; and the Mayor, Auditor or Finance Committee shall also have the right to inspect and count all public moneys under the Treasurer's control, or on deposit elsewhere. Whenever the city shall provide a proper vault and safes in the City Hall for the keeping of the city money, the Treasurer shall keep said moneys in said vault, except as hereinafter provided. It shall be in the power of the Council, by ordinance, at any time to require the City Treasurer to devote his entire time to the duties of his office.—[Amendment, 1909.]

CITY TAX AND LICENSE COLLECTOR.

Sec. 45. It shall be the duty of the City Tax and License Collector, in addition to the duties which may be elsewhere prescribed for him in this Charter or by ordinance, to collect all taxes and licenses of the city, excepting those hereinafter provided to be collected by the City Assessor.

He shall keep proper books, showing all moneys collected by him as Tax and License Collector.

He shall also keep a book which shall contain a record of every deed given by or on behalf of the city for real estate sold for delinquent taxes or assessments, which book shall be properly indexed and shall be at all suitable times subject to public inspection.

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He shall immediately deposit with the City Treasurer all moneys received by him in his capacity as Tax and License Collector.

CITY ASSESSOR.

Sec. 46. It shall be the duty of the City Assessor, in addition to any duty that may be elsewhere prescribed for him by this Charter or by ordinance, to make out, within such a time as may be prescribed by ordinance of said city, either now in force or that may hereafter be passed in pursuance hereof, a full, true and correct list of all the property, both real and personal, taxable by law, within the limits of said city, with the valuation thereof, and assess the same to the persons by whom it was owned or claimed, or in whose possession or control it was, at 12 o'clock meridian on the first Monday of March next preceding.

Each taxpayer in said city shall make and deliver to the City Assessor annually, and at such time as shall be provided for by ordinance, a statement under oath setting forth specifically all the real and personal property owned by such taxpayer, or in his possession or under his control at 12 o'clock meridian on the first Monday of March next preceding.

It shall be the duty of the City Assessor to collect the taxes on all personal property, when the owner of said property is not seized of real estate in said city sufficient to afford ample security for collection of said taxes. In all such cases he shall be governed in fixing the amount of the tax by the rate of the tax levy for the preceding year.

Immediately after fixing the assessment on such property he shall serve on its owner or owners a notice in writing, which shall specify the assessed valuation of the property, the rate per cent and the amount of tax payable, and contain a demand for the payment of said tax within three days after services of said notice. Said notice shall be served personally, or by leaving a

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copy of the same at the last known place of residence of the person whose property is so assessed.

Upon the expiration of said three days after such service, if the tax demanded still remains unpaid or payment thereof be not secured to the satisfaction of the City Attorney and City Assessor, the City Assessor shall forthwith proceed to collect the same by seizure and sale of any personal property owned by the delinquent.

The said sale shall be made by him in the manner provided in Sections 3791, 3792, 3793, 3794, 3795 and 3796 of the Political Code of the State of California; *provided*, that the newspaper referred to in said Section 3792 shall be published in the city, and shall be designated by the Council.

As soon as the rate is fixed for the year in which such collection is made, if it be found that a sum in excess of said rate has been collected, the excess must be repaid in the same manner as other demands against the city are paid, to the person from whom the collection was made, or to his assigns. And if a sum less than the rate fixed has been collected, the deficiency must be collected as other taxes on personal property are collected.

Should the Board of Equalization reduce the valuation for the same year of the property so assessed, the sum collected in excess of said reduced valuation must be repaid in like manner, to the person from whom the collection was made, or to his assigns. And if the valuation of said property should be increased by said board, then the deficiency must be collected as other taxes on personal property are collected.

The City Assessor shall carefully note upon his assessment list and also upon a book to be kept by him for the purpose all collections made by him under this section, and shall turn over to the City Treasurer all money received immediately upon its receipt.

In case the City Assessor shall fail to demand, and through his fault to collect, any and all taxes which by this section he is

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directed to collect, he shall be and become personally liable to the city for the amount of said delinquent taxes, with interest from the date of their assessment; and the Council is authorized and directed to cause proper action or actions at law to be brought against him and the sureties on his official bond to recover the same.

The mode of making out assessment lists, of ascertaining the value of property and of equalizing the same shall be such as is now or may hereafter be prescribed by the ordinances of the city.—[Amendment, 1911.]

BOARDS AND COMMISSIONS.

Sec. 47. The powers and duties of all boards and commissions provided for under this Charter shall be such as are in this Charter elsewhere set forth, and such as may be prescribed by ordinance.—[Amendment, 1911.]

CITY ENGINEER.

Sec. 48. In addition to other duties imposed upon him by this Charter, or by ordinance of the Council, the City Engineer shall:

1. Make all surveys, inspections and estimates required by the Council.

2. He shall examine all public works done under contract, and report thereon to the City Council.

3. He shall do no work for and take no fee or professional recompense from any individual or corporation other than the city during his term of office; provided, however, that on application of any person owning or interested in real property in said city for a survey or plat of such property, the City Council may direct such work to be done by the City Engineer; and the fee for such work shall be fixed by him in accordance with current rates for like services, and shall in all cases be paid into the City Treasury.

4. He shall be the custodian of and responsible for all

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maps, plans, profiles, field notes and other records and memoranda belonging to the city pertaining to his office and the work thereof; all of which he shall keep in proper order and condition, with full index thereof, and shall turn over the same to his successor.

5. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him, or under his direction or control during his term of office, shall be the property of the city. He shall devote his entire time to the duties of his office.

Upon the first appointment of a City Engineer by the Board of Public Works, organized under this Charter, the term of the City Engineer then holding office shall thereupon cease and determine, and the powers and duties of the City Engineer shall be as prescribed elsewhere in this Charter.—[Amendment, 1905.]

THE CITY ATTORNEY.

Sec. 49. The City Attorney must be qualified to practice in all the courts of this state, and he must have been so qualified for at least five years next preceding his election. He shall devote his entire time to the duties of his office.

The powers and duties of the City Attorney shall be as follows:

(1) The City Attorney must prosecute and defend for the city all actions at law or in equity, and special proceedings, for or against the city, or in which it may be legally interested, or for any officer of the city in any action or proceeding, when directed so to do by the Council.

Whenever any cause of action at law or in equity or by special proceeding exists in favor of the city, the City Attorney shall commence the same when within his knowledge or when directed so to do by the Council. He shall give his advice or opinion in writing, to any officer, board or commission of the city, when requested so to do by such officer, board or com-

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mission; *provided*, that the Council shall have control of all litigation of the city, and may employ other attorneys to assist the City Attorney therein.

(3) He shall approve, by indorsement in writing, the form of all official or other bonds required by this Charter, or by ordinance, before the same are submitted to the proper body, board or officer for final approval, and no such bond shall be approved without such approval as to form by the City Attorney. He shall approve in writing the draft of all contracts before the same are entered into by or on behalf of the city. The City Attorney shall do and perform all such other things affecting or relating to his office as may be required of him by ordinance.

(4) The City Attorney shall keep on file in his office copies of all written communications and opinions given by him to any officer, board or department; copies of all papers, briefs and transcripts used in causes wherein he appears, and books of record and registry of all actions or proceedings in his charge, in which the city, or any officer, board or commission is a party or is interested.

(5) The City Attorney may appoint such assistants, deputies, clerks, stenographers and other persons as the Council, by ordinance, shall prescribe; *provided, however*, that each assistant must, at the time of his appointment, be qualified to practice in all of the courts of the state, and must have been so qualified at least two years next preceding his appointment.—[Amendment, 1911.]

THE CITY PROSECUTOR.

Sec. 50. The City Prosecutor shall be appointed by the Mayor, subject to confirmation by the Council. He must be at the time of his appointment qualified to practice in all of the courts of this state, and he must have been so qualified for at least five years next preceding his appointment. He shall devote his entire time to the duties of his office.

The City Prosecutor may appoint such assistants, deputies,

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clerks, stenographers and other persons as the Council, by ordinance, shall prescribe; *provided, however*, that each assistant must at the time of his appointment, be qualified to practice in all of the courts of the state, and must have been so qualified at least two years next preceding his appointment.

The powers and duties of the City Prosecutor shall be as follows:

(1) The City Prosecutor shall be present, either in person, or by his assistants or deputies, at all sessions of the Police Court; and he shall institute, attend and conduct, on behalf of the people, all criminal cases arising upon violations of the provisions of this Charter or the ordinances of the city, in the Police Court, and on appeal.

(2) The City Prosecutor shall draw complaints in such cases in said Police Court, and prosecute all recognizances and bail bonds forfeited in said Police Court. He shall prosecute all actions for the recovery of fines, penalties and forfeitures and other moneys accruing to the City of Los Angeles in said court.

(3) Whenever it shall be authorized by the laws of this state, the City Prosecutor shall prosecute in the Police Court, and on appeal, all misdemeanor offenses cognizable in or by the Police Court, arising upon violation of the laws of this state; draw complaints in said court for misdemeanors committed against the laws of this state, prosecute all recognizances and bail bonds forfeited in said Police Court, and prosecute all actions for the recovery of fines, penalties and forfeitures accruing to the City or County of Los Angeles in said Police Court.

(4) Whenever the laws of the state shall so provide, any person held in custody or restraint by any peace officer of the city, and charged with having committed any criminal offense against the provisions of the Charter of this city, or the ordinances thereof, or with having committed any misdemeanor or other offense in the City of Los Angeles against the laws of the state, who shall apply for a writ of *habeas corpus*, a copy of the application for such writ must in any such case be served upon

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the City Prosecutor at such time and in such manner as may be provided by such laws; and it shall be the duty of the City Prosecutor to conduct all proceedings connected with or relating to the application for or hearing upon such writ on behalf of the people.

(5) Whenever it shall be authorized by the laws of the state, the City Prosecutor shall have the power to make and present to the said Police Court, or any judge thereof, in any case where an offense has been committed in the city, that is triable in said court, and any person whose attendance as a witness at the trial is necessary in the judgment of the City Prosecutor, resides out of the County of Los Angeles, or is served with the subpoena outside of said county, an affidavit stating that he believes the evidence of such witness is material and his attendance at the trial is necessary.

(6) It shall be his duty to keep a register of his official business, in which must be entered a note of all actions, whether criminal or civil, prosecuted or defended officially by him, and of the proceedings therein; and shall have such further powers and shall perform such other duties as may be prescribed by ordinance.—[Amendment, 1911.]

Sec. 50-a. Upon the organization of a Board of Public Works under this Charter, it shall be the successor in office of the Superintendent of Buildings, and the term of the Superintendent of Buildings then holding office shall thereupon cease and determine, and the powers and duties imposed upon the Superintendent of Buildings by this Charter shall thereafter be exercised and performed by the Board of Public Works.—[Amendment, 1905.]

SUPERINTENDENT OF WATER WORKS AND WATER OVERSEER.

Sec. 51. The Superintendent of Water Works and the Water Overseer shall have such powers and perform such duties as the Board of Water Commissioners shall prescribe.—[Amendment, 1903.]

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STREET SUPERINTENDENT.

Sec. 52. The Street Superintendent shall have the general care of, and frequently inspect the streets of the city. He shall receive and investigate all complaints as to their condition and shall have charge of the enforcement of all ordinances pertaining to street obstructions.

He shall frequently inspect all public works pertaining to street improvements while the same are in course of construction, inspect and approve or reject all material used in such construction, whether done by contract or otherwise; and shall at once report to the Council all deviations from contracts and use of improper material and bad workmanship in such works; and shall have the power, pending investigation, to stop all work thereon.

He shall perform such other duties as are herein elsewhere prescribed or imposed by ordinance. He shall devote his entire time to the duties of his office.

Sec. 52-a. Upon the organization of a Board of Public Works under this Charter it shall be the successor in office of the Street Superintendent, and the term of the Street Superintendent then holding office shall thereupon cease and determine, and the powers and duties imposed upon the Street Superintendent by this Charter shall thereafter be exercised and performed by the Board of Public Works.—[Amendment, 1905.]

CHIEF OF POLICE.

Sec. 53. The Chief of Police shall have the supervision and control of the police force of the city, and in that connection he shall be subject only to the orders of the Mayor.—[Amendment, 1911.]

Sec. 54. The Chief of Police shall be the principal ministerial officer of the corporation, and may, with the approval of the Board of Police Commissioners, select and appoint one or more deputies from the police force, for whose official acts he

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shall be responsible. He shall, by himself or by deputy, execute and return all writs and processes issued by the police judges or courts. He, or one of his deputies, shall attend on the sittings of the Police Court and preserve order therein; and his jurisdiction and that of his deputies in the service of process in all criminal cases, and in cases of violation of the city ordinances, shall be co-extensive with the county.

Sec. 55. He shall suppress all riots, disturbances and breaches of the peace, and to that end may call on any person to aid him. He may pursue and arrest, within the limits of the city, any person fleeing from justice from any part of the state, and shall forthwith bring all persons by him arrested before a police judge for trial or examination. He may receive and execute any proper authority for the arrest and detention of criminals fleeing or escaping from other places or states.

Sec. 56. He shall have, in the discharge of his proper duties, like powers and be subject to like responsibilities as a Sheriff in similar cases, and shall perform such other duties and have such other powers as may be imposed on or granted to him by this Charter or ordinance.

HEALTH COMMISSIONER.

Sec. 57. The Health Commissioner shall have such powers and perform such duties as are in this Charter or may be by ordinance granted to or imposed upon him.—[Amendment, 1911.]

PURCHASING AGENT.

Sec. 57-a. The purchasing agent shall, except as elsewhere in this Charter prescribed, be the agent of the city in purchasing materials and supplies used by the city.

He shall receive such salary, give such bond to the city, and perform such duties as may be prescribed by ordinance.—[Amendment, 1911.]

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ANNUAL REPORTS OF OFFICERS.

Sec. 58. It shall be the duty of the Mayor, City Attorney, City Treasurer, City Assessor, City Tax and License Collector, Chief of Police, City Auditor, Health Officer, Water Overseer, City Clerk, City Engineer, Board of Public Works, Chief Engineer of the Fire Department, City Sealer of Weights and Measures, City School Superintendent, Board of Directors of the Los Angeles Public Library, and the Board of Park Commissioners, each to present to the Council, at its meeting in the second week in July of each year, a report for the preceding year, ending on the 30th day of June last, which shall show as follows:

(1) The Mayor shall, in addition to his report as Mayor, inform the Council of the condition of the Police Court, the number of arrests made, the offenses charged and how disposed of, the penalties inflicted and amount of fines and from whom collected, and to that end he may require such reports from the Police Judges as he may deem necessary.

(2) The City Attorney shall, in his report, present an abstract of all actions and proceedings in the Supreme and Superior Courts, where the city is an interested party, and shall show what cases have been disposed of during the year, and in what manner, and the condition of those remaining on the calendar.

(3) The City Treasurer shall show, in his report, specifically, the amount of all indebtedness of the city; of money received by him during the year, the date of the receipt thereof, and from whom; the amount paid out, when, and to whom; and the date and number of the demands on which the respective amounts are paid.

(4) The City Tax and License Collector shall report the amount of money received, and on what account.

(5) The City Assessor shall, in his report, show the amount of personal property taxes collected by him, together

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with the amount of any fees which he may have received on account of such collection in each case.

(6) The City Auditor shall make a proper statement of the transactions of his office, as provided in Section 43.

(7) The Chief of Police shall report the number of arrests made by him, the offenses charged and how disposed of, the number and names of the policemen employed, when appointed and when discharged, and all money and other property received from prisoners and the disposition of the same.

(8) The Health Officer shall show the condition of the health of the city during the year, and the number of cases of diseases which he has treated; and other matters of interest pertaining to his office.

(9) The Water Overseer shall, in his report, show the amount of water rates or charges collected by him; and shall make a detailed statement of the condition of the water systems of the city, so far as the same are entrusted to his charge.

(10) The report of the City Clerk shall show the number of licenses issued, and for what amount.

(11) The report of the City Engineer shall show the character, cost and condition of all public works and improvements in course of construction during the year.

(12) The report of the Board of Public Works shall show the cost of erection, alteration and repair of all buildings during the year; and shall show also the general result of its inspection of buildings during the year. Said Board shall report also the number of building permits issued by it.

(13) The Board of Public Works shall report upon the condition of the streets of the city and the improvements of the same during the year; and shall show what action was taken by it in the enforcement of ordinances pertaining to street obstructions and in regard to deviations from contract in the construction of public works.

(14) The report of the Chief Engineer of the Fire Department shall show the condition of the Fire Department and

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its apparatus, giving a detailed statement thereof; also the work of the department during the year.

(15) The report of the City Sealer of Weights and Measures shall show the amount of charges collected by him, and such other matters as are entrusted to him.

(16) The report of the City School Superintendent shall show the number and condition of the public schools, the number of teachers and their salaries and the number of pupils in attendance.

(17) The report of the Board of Directors of the Los Angeles Public Library shall show the condition of their trust for the year ending the 30th day of June of that year; the various sums of money received from the library fund and from other sources; for what purpose such money has been expended, and the amount so expended and the balance on hand; the number of books and periodicals on hand; the number added by purchase, gift or otherwise during the year; the number lost or missing; the number of visitors attending; the number of books loaned out, and the general character and kind of such books, with such information and suggestions as it may deem of general interest.

(18) The report of the Park Commissioners shall show the condition of the parks, with the kind, cost and expense of the improvements, including the entire cost and expense of the department for the year ending June 30th last preceding.—[Amendment, 1909.]

Sec. 59. Every officer, board and commission of the city, in addition to those named in Section 58 of this article, shall, except as otherwise provided in this Charter, make and present to the Council, at its meeting in the second week of July of each year, such report pertaining to the affairs of the office or department of which such officer, board or commission has charge, for the year ending on the 30th day of June last, as the Council, by ordinance, shall prescribe.—[Amendment, 1911.]

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ADMINISTRATION OF OATHS AND AFFIRMATIONS.

Sec. 60. The Mayor, City Auditor, City Treasurer, and each member of the Council, and of each board and commission provided for in this Charter, shall have the power to administer oaths and affirmations in any investigation or proceeding pending before any of said officers or bodies, or concerning any demand on the City Treasury, and the City Clerk shall have the power to administer all oaths and affirmations required by the Charter.

The City Council and each board and commission provided for in this Charter shall have the power and authority to examine witnesses under oath and compel the attendance of witnesses and the production of evidence before such Council, board or commission, as the case may be, by subpoena, to be issued in the name of said City of Los Angeles, and to be attested by the City Clerk of said city. The City Clerk shall, upon the demand of the President of the City Council, or the presiding officer of any such board or commission, issue such subpoena in the name of said city, and attest the same with the corporate seal thereof, and shall in such subpoena direct and require the attendance of the witness or witnesses sought to be subpoenaed before the City Council or the respective board or commission requiring the issuance of said subpoenas at a time and place to be in said subpoenas specified.

The Chief of Police shall cause all such subpoenas to be served by some member of the Police Department upon the person or persons required to attend before the Council or board or commission in such subpoenas designated.

The City Council shall, from time to time, adopt ordinances providing suitable penalties for disobedience of such subpoenas, and the refusal of witnesses to testify before such Council, board or commission when required so to do.—[Amendment, 1903.]

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ARTICLE V.

OFFICIAL BONDS.

Sec. 61. The following named officers of said city shall respectively execute to said municipal corporation, bonds in the following sums, respectively, conditioned for the faithful discharge by them of the duties of their respective offices, to-wit:

The bond of the City Auditor is fixed at \$10,000.

The bond of the City Tax and License Collector is fixed at \$100,000.

The bond of the City Assessor is fixed at \$10,000.

The bond of the City Treasurer is fixed at \$150,000.

The bond of the City Engineer is fixed at \$10,000.

The bond of the City Attorney is fixed at \$5,000.

The bond of the Chief of Police is fixed at \$5,000.

The bond of the Health Commissioner is fixed at \$2,000.

The bond of the City Clerk is fixed at \$5,000.

The bond of the City Sealer of Weights and Measures is fixed at \$5,000.

The premium on any official bond furnished under the provisions of this section and executed by a corporate surety shall be paid by the city.—[Amendment, 1913.]

Sec. 62. Each such official bond shall be executed by a corporation authorized by law to become a surety upon bonds or undertakings, or by two or more personal sureties, who shall each be a resident of the city or county of Los Angeles, and the owner of real estate therein valued, over and above all incumbrances, upon the last city or county assessment roll, at not less than the aggregate amount for which he becomes responsible upon such official bonds. Each personal surety shall be approved as hereinafter set forth, and shall bind himself in a sum not less than \$1000.

The aggregate amount of the sums which the sureties on any of such bonds shall respectively bind themselves to pay,

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shall be at least double the sum in which the principal on such bond binds himself.

No such surety shall be held liable on such bond for a larger sum of money than that which he specifically binds himself to pay, together with such costs of action as may be allowed by the court on the recovery of judgment against him on such bonds.

Section 963 of the Political Code shall apply to the official bonds given under the requirements of this Charter.

Each personal surety on any bond given under the provisions of this Charter shall justify in double the amount for which he binds himself on such bond.

The bonds of all officers, after approval by the city attorney, as to form, shall be approved by the Mayor and the Council, and, after such approval, shall be filed with and remain in the keeping of the City Auditor, provided that the bond of the City Auditor shall be filed with and remain in the keeping of the City Clerk.—[Amendment, 1913.]

Sec. 63. The Council may, by ordinance, increase the amount of bond hereby required from any officer, but may not decrease the same; and may require a bond to be given by any officer not herein required to give a bond, and may fix its amount.

Sec. 64. If the bond of any officer should at any time become insufficient, the Council may notify and require him to give additional security; and, in case of his failure to do so within fifteen days, may declare his office vacant; and it shall be the duty of the Mayor at once to take into his charge all books and papers, money and other public property at the time in the hands or under the control of such officer so notified, and retain the same until such additional security is given, or the election or appointment and qualification of a successor. For the better enforcement of this section, the Mayor is authorized, at the cost of the city, to commence and prosecute, in his own name, all appropriate actions and proceedings.

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ARTICLE VI.

SALARIES OF OFFICERS.

Sec. 65. The officers of the city shall receive, in full compensation for all services of every kind whatever rendered by them, the following salaries, payable in monthly installments at the end of each calendar month:

The Mayor shall receive \$4,500 per annum.

Each Councilman shall receive \$2,400 per annum.

The City Attorney shall receive \$4,000 per annum.

The City Auditor shall receive \$3,000 per annum.

The City Assessor shall receive \$3,000 per annum.

All appointive officers of the city shall receive such salaries as may now be in force or as may hereafter be prescribed by ordinance, or otherwise in accordance with the provisions of this Charter.—[Amendment, 1913.]

Sec. 66. The City Council shall, by ordinance, fix the salary of all other officers herein, or by ordinance hereafter created, whose salaries are not hereby fixed, or otherwise provided for.—[Amendment, 1903.]

Sec. 67. No officer of the city shall be compensated by fees or commissions, but only by a fixed salary, payable monthly; and such salary shall not be increased or diminished during his term of office or after his election or appointment and before the commencement of the term.

Sec. 68. No city officer shall retain any fee, recompense or compensation received by him for the discharge of any duty of his office from any person other than the city, but shall immediately pay over to the Treasurer of the city all such sums of money so received.

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ARTICLE VII.

[Amendment, 1911.]

DEPARTMENT OF EDUCATION.

Sec. 69. The government of the School Department of the City of Los Angeles shall be vested in a Board of Education, to consist of seven members, to be elected as in this Charter provided, and to be called Members of the Board of Education.

Sec. 70. Each Member of the Board of Education shall receive, in full compensation for all services of every kind rendered by him, ten dollars for each regular meeting of said board attended by him, but not exceeding a total of \$50 in any one calendar month, the same to be paid out of the school fund.

Sec. 71. The Members of the Board of Education in office at the time this article takes effect, shall hold and exercise their offices until the election and qualification of their successors under this Charter.

Sec. 72. The Board of Education shall elect one of its members President. It shall have power, by resolution adopted by a majority of all its members, and recorded in the minutes with the ayes and noes at length, to make rules and regulations for its proceedings, for the government and administration of the Department of Education, and for the regulation and conduct of the officers, teachers and other employes of said department.

Sec. 73. The Board of Education shall hold regular meetings at least once every two weeks, and special meetings at such times as shall be prescribed by the rules of said board. A majority of all the members of said board shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time until a quorum be present.

Sec. 74. The meetings of the Board of Education shall be public, and its records shall be open to public inspection.

Sec. 75. The Board of Education shall fill all vacancies occurring in its membership.

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Sec. 76. The Board of Education shall have power:

1. To establish and maintain public schools, including high schools, to change, consolidate and discontinue the same, and to establish districts for such schools and to fix and alter the boundaries thereof.

2. To appoint, employ and discharge a City School Superintendent, a Deputy School Superintendent, Assistant School Superintendents, a Secretary, an Auditor, and such teachers, janitors, school census marshals, mechanics, laborers and other employees as may be necessary to carry into effect the powers and duties of the board; to fix, alter and allow their salaries or wages, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid.

3. To make, establish and enforce all necessary and proper rules and regulations for the government of public schools, the teachers thereof, pupils therein, and for carrying into effect the laws relating to education; also to establish and regulate the grade of schools, and determine what text books, course of study and mode of instruction shall be used in said schools.

4. To grade, pave, sewer or otherwise improve streets and other public places in front of real property owned or controlled by it, and to appropriate money to pay the cost and expense of such improvements, whether made by said board, or under contracts executed by the board, or under contracts made in pursuance of the general laws of the state respecting street improvements.

5. To have and exercise entire control and management of the public schools of the city in accordance with the Constitution and general laws of the state and the provisions of this Charter, and said board is hereby vested with all the powers and charged with all the duties provided by this Charter, and also by the general laws of the state for City Boards of Education.

Sec. 77. No demand payable out of the school fund shall

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be approved or paid unless the same be first approved by the affirmative vote of five members of the board, taken by ayes and noes, and spread on the minutes, and the action of said board, on such demand, shall be endorsed thereon and signed by the President and the Secretary thereof.

Sec. 78. The City School Superintendent, with the approval of the Board of Education, may, for good and sufficient cause, provisionally suspend any teacher employed in the public schools of the city, until the next meeting of the Board of Education. It shall be the duty of the City School Superintendent to report to the Board of Education annually, and at such other times as it may require, all matters pertaining to the expenditures, income and condition and progress of the public schools of said city during the preceding year, with such recommendations as he may deem proper; to visit each school as often as practicable; to observe, and cause to be observed, such general rules for the regulation, government and instruction of the schools as may be established by the board; to recommend to the board the dismissal of teachers, stating the reasons therefor; to attend all sessions of the board, and inform it at each session of the condition of the public schools, school houses, school fund, and other matters connected therewith, and recommend such measures as he may deem necessary for the advancement of education in the city, and to acquaint himself with all the laws, rules and regulations governing the public schools in said city, and the judicial decisions thereon, and give advice connected with public schools, gratuitously, to officers, teachers, pupils and their parents and guardians.

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ARTICLE VIII.

[Amendment, 1911.]

LIBRARY DEPARTMENT.

Sec. 81. There is hereby established a department of the government of the City of Los Angeles, to be known as the Library Department, which shall be under the management and control of a board of five directors, to be known as the Board of Library Directors.

Sec. 82. Said directors shall be appointed by the Mayor, subject to confirmation by a majority of the Council. They shall serve without compensation, and shall be chosen from the citizens at large, without regard to sex.

Sec. 83. The term of office of the Library Directors shall be four years; *provided, however*, that upon the taking effect of this article, the directors of the Los Angeles Public Library, then in office, shall be and become the Library Directors of the city, and shall continue in office as such directors until the expiration of the terms for which they were appointed respectively, and until their successors are appointed and qualified; *and provided, further*, that the term of office of each of said directors of the Los Angeles Public Library shall expire on the first Monday in January of the fourth calendar year immediately following his appointment. The Mayor shall, subject to confirmation by the Council, fill all vacancies for the unexpired term.

Sec. 84. The said Board of Library Directors shall organize by electing one of its members President, who shall hold office for one year, and until his successor is elected.

Sec. 85. The said Board of Library Directors may appoint any employee of the Library Department to act as clerk of said board. Such clerk shall keep a record and full minutes in writing of all the proceedings of said board, and may certify to such proceedings or any portion thereof under his or her hand, to be verified by seal, if a seal be adopted and provided by the

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board for that purpose, and such clerk shall serve without extra compensation therefor.

Sec. 86. The said Board of Library Directors by the vote of a majority of all its members, to be recorded in the minutes of its proceedings with the ayes and noes at length, shall have power:

(a) To establish all necessary rules and regulations for the exercise of the powers conferred in this article, for the government of the Library Department, and for the regulation of the conduct of its officers and employees.

(b) To establish and maintain branch public libraries and reading rooms, and all branch libraries and reading rooms heretofore established by said city, and all property, real and personal, thereto pertaining, shall be and remain in the charge, custody and administration of the said Board of Library Directors, with like powers and liabilities as said library.

(c) To appoint a librarian, a first and second assistant librarian, and such other officers and employees of the library department as the board may deem necessary; to determine and define their duties and to fix and regulate their compensation. All appointments in the library department shall be made by the said board subject to such civil service rules and regulations as are now or may hereafter be in force.

(d) To establish departments in said public library, and to appoint, employ and remove heads of such departments.

(e) To control and order the expenditure of all moneys at any time in the library fund, and order the drawing and payment of all moneys out of said fund for such expenditures or liabilities as are herein authorized, subject to the provisions of this charter for the payment of demands on the city treasury of said city. All moneys received for such library shall be deposited in the treasury of the city, to the credit of the library fund, and shall be kept separate and apart from other moneys of the city, and shall be drawn from said fund upon demands

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authenticated by the signatures of the president, or two members of the board, and by the clerk thereof.

(f) To purchase or lease all necessary real property and thereon to construct a library or branch library building or buildings, or to lease rooms or a building or buildings for such library or branch libraries, and to have general supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose, and generally to do all that may be necessary to carry out the spirit and intent of this Charter in establishing a public library and branch public libraries or reading rooms.

(g) To sell, or otherwise dispose of, any damaged, worn-out or useless books, furniture or other personal property under its control, in such manner and at such times as the board may determine.

(h) To prescribe and collect fines and penalties for the violation of the rules and regulations of said board respecting the use and loan of books from the said library or branch libraries.

(i) To provide for extending the privileges and use of such library and branch libraries to persons residing outside of the city of Los Angeles, upon such terms and conditions as said board may, from time to time, by its rules and regulations prescribe, and to require the payment by such persons of dues, and to collect the same for such privileges and use.

(j) To require deposits of money for the return of books loaned from the library, in cases where the person borrowing the same cannot furnish such sureties or guarantors as may be required by the rules and regulations of the said board, and in case of the loss of such books, or the return thereof in a damaged condition, to deduct from such deposits, or to collect from such sureties the cost of replacing such books or restoring the same to good condition, and to declare forfeited all such deposits that shall remain unclaimed for five years.

Sec. 87. All moneys derived from such sales of books and

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other property, from fines, penalties, dues, deposits, forfeited deposits and collections from sureties shall be paid into the city treasury at the end of each calendar month, to the credit of the library fund, and shall be applied to the purposes for which such fund is established.

Sec. 88. The library department shall consist of the librarian, the assistant librarians, and such officers and employees as the Board of Library Directors may prescribe. All appointments in the library department, except as otherwise provided in this Charter, shall be made subject to such civil service regulations as are now or may hereafter be in force. The librarian shall have the power to suspend or remove any officer or employee in the library department; but no such suspension or removal shall be made except for cause, which shall be stated in writing and filed with said Board of Library Directors, with certification that a copy of such statement has been served upon the person so suspended or removed personally, or by leaving a copy thereof at his last known place of residence if he can not be found. Upon such filing such suspension or removal shall take effect. Within fifteen days after such statement shall have been filed, the said board, upon its own motion may, or upon written application of the person so suspended or removed, filed with said board within five days after service upon him of such statement as above provided, shall proceed to investigate the grounds for such suspension or removal. If, in the case of a removal, the board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained, and also finds in writing that the person removed is a fit and suitable person to fill the position from which he was removed, the board shall reinstate him in such position; and if, in the case of a suspension, the board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained, the board shall restore the person so suspended to duty. The order of said board with respect to such suspension or removal shall be final and conclusive. Any

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person restored to duty or reinstated in his position after suspension or removal, as provided in this section, shall be entitled to receive compensation from the city the same as if such suspension or removal had not been made.

Sec. 89. There shall be levied and collected annually, on all the taxable property in the city, as in other cases, a tax sufficient to maintain the library department, not less than four cents on each one hundred dollars of the value of all real and personal property of the said city, as assessed for city purposes, for the purpose of establishing and maintaining said library and branch libraries, and purchasing or leasing such real and personal property, books, papers, publications, furniture and fixtures, and erecting such buildings as may be necessary therefor. No indebtedness exceeding the amount of the annual levy for this purpose shall be incurred in any one year; *provided*, this limitation shall not be construed to prevent the incurring of indebtedness for permanent improvements, to be liquidated by the proceeds of municipal bonds issued by the City of Los Angeles, in accordance with the provisions of this Charter and of the general laws of the state, for the purpose of defraying the cost of such improvements.

Sec. 89a. The public library and reading rooms, known as the Los Angeles Public Library, is hereby continued in existence; and said library, and all branch public libraries heretofore or hereafter established by the said city shall be under the management and control of said Board of Library Directors, and shall be free of access to and use by the inhabitants of said city, subject at all times to such reasonable rules and regulations as the said Board of Library Directors may adopt, and said board may exclude from the use of said library and branch libraries any and all persons who shall wilfully violate such rules.

Sec. 89b. Any person desiring to make donations of money, securities or other personal property or real estate, shall have the right to vest the title to such money, personal property

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or real estate so donated in "The Board of Library Directors" hereby created, to be owned, held and controlled by such board when accepted, according to the terms of the deed, gift, devise or bequest of such property; and, as to such property, the board shall be held and considered to be a special trustee thereof for the city. The title of all real property that may be purchased shall likewise be taken by said board in its name as such special trustee; and the City of Los Angeles may, in its discretion, by ordinance, set apart and order to be conveyed to said board, as special trustee, any part of the real property of the city not otherwise appropriated; or to authorize and direct that any park or other real property owned or controlled by the city may be used jointly for library and other purposes.

Sec. 89c. The Board of Library Directors shall have power and are hereby authorized to invest any savings or surplus in the library fund at the close of each fiscal year for the purpose of creating a fund or funds for the acquiring of real estate, erection of buildings, or purchase of books, all for library purposes; *provided*, that such savings or surplus funds may be invested only in United States, state, county, municipal or school bonds (including any bonds issued by the City of Los Angeles for any purpose); and the income derived therefrom shall be deposited in the city treasury to the credit of the library fund. A full and complete report of the investment of all such funds, together with the nature and form of such investment, shall be made by said board in its annual report in each year.

Sec. 90. The City Council shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library, branch libraries, or the grounds or property thereof, and for injury to or failure to return any book belonging to such library.

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ARTICLE IX.

[Amendment, 1911.]

POLICE DEPARTMENT.

Sec. 91. There is hereby established a department of the government of the City of Los Angeles to be known as the Police Department, which shall be under the management and control of three commissioners, to be known as the Board of Police Commissioners.

Sec. 92. The Mayor, who shall be *ex-officio* a member and president of the board, and two electors of the city, who shall be appointed by the Mayor, subject to confirmation by a majority of the Council, shall constitute the Board of Police Commissioners of the city. The appointive members of the board shall serve without compensation, and shall hold office for four years, and until their successors are appointed and qualified; *provided, however*, that the first members of the said board appointed hereunder shall hold office until the first Monday of January, 1912, and until their successors are appointed and qualified.

Sec. 93. The Police Department shall consist of the Chief of Police, who shall be appointed and be subject to removal by the Mayor, and as many subordinate officers, and such policemen, detectives and employees as the Council shall by ordinance determine. All appointments in the department shall be made by the Chief of Police, subject to approval by the Board of Police Commissioners, and subject to such civil service regulations as are now or may hereafter be in force. The Chief of Police shall have the power to suspend or remove any officer or employee in the Police Department; but no such suspension or removal shall be made except for cause, which shall be stated in writing and filed with said board, with certification that a copy of such statement has been served upon the person so suspended or removed personally, or by leaving a copy thereof at his last known place of residence if he cannot be found. Upon

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such filing the suspension or removal shall take effect. Within fifteen days after such statement shall have been filed, the said board, upon its own motion may, or upon written application of the person so suspended or removed, filed with said board within five days after service upon him of such statement, as above provided, shall proceed to investigate the grounds for such suspension or removal. If, in the case of a removal, the said board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained, and also finds in writing that the person removed is a fit and suitable person to fill the position from which he was removed, the said board shall reinstate him in such position; and if, in the case of a suspension, the board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained, the said board shall restore the person so suspended to duty. The order of said board with respect to such suspension or removal shall be final and conclusive. Any person restored to duty or reinstated in his position after suspension or removal, as provided in this section, shall be entitled to receive compensation from the city the same as if such suspension or removal had not been made.

Sec. 94. The salaries of the Chief of Police, and of all other members and employees of the Police Department shall be fixed by the Council by ordinance.

Sec. 95. The Board of Police Commissioners shall, subject to the provisions of this article, have power to establish rules and regulations for the government of the Police Department, and prescribe and enforce the penalties for their violation.

Sec. 95a. The Board of Police Commissioners shall have power to grant permits, under and in conformity with the ordinances of said city, authorizing the City Clerk to issue licenses to persons desiring to engage in the sale of liquors, and to revoke any such permit when it shall appear to the board that the business of the person to whom such permit was given is conducted in an illegal, disorderly, or improper manner. Without

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such permit no person shall engage in the business of selling liquor.

Sec. 96. The Board of Police Commissioners shall meet at least once a week. The board shall appoint a secretary, who shall not be a member of the board, and who shall receive such salary as the Council, by ordinance, shall prescribe. The secretary shall keep a record of the proceedings of the board, and may certify such proceedings under his hand, to be authenticated by seal, if a seal be adopted and provided by the board for that purpose, and shall perform such other duties as the board may prescribe. The board shall maintain an office, to be provided by the Council, for the transaction of the business of the department. A majority of the Board of Police Commissioners shall constitute a quorum for the transaction of business.

Sec. 96a. The Board of Police Commissioners, the Chief of Police, and other members and employees of the Police Department, shall have such further powers and be subject to such further duties as may be granted or imposed by ordinance.

ARTICLE X.

POLICE COURTS.

Sec. 97. The judicial power of the city shall be vested in a Police Court.

Sec. 98. Each of the Police Judges may hold such court, and there may be as many sessions of the Police Court held at one time as there are Police Judges.

Sec. 99. The Police Judges shall have the power of examining magistrates and may commit offenders for trial in the proper court.

Sec. 100. The Police Court shall have exclusive jurisdiction of the criminal proceedings for a violation of any city ordinance, and of all civil actions and proceedings arising out of a violation of such ordinances, and for the collection of any license

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required by any ordinance, except such actions and proceedings as fall within the jurisdiction of other courts under the provisions of the Constitution of this State.

Sec. 101. The Police Court shall also have exclusive jurisdiction of the following public offenses committed within the city (except when prosecuted by indictment or information): 1, petty larceny; 2, assault and battery; 3, breaches of the peace, riot, committing wilful injury to property, and all misdemeanors punishable by fine or by imprisonment in the county jail, or by both; 4, proceedings respecting vagrants, lewd or disorderly persons.

Sec. 102. The Clerks of said Court shall remain at their respective courtrooms during business hours and for such reasonable times thereafter as may be necessary for the discharge of their duties.

Sec. 103. All fines, penalties and forfeitures collected by said Police Court shall be the property of the city, and shall be immediately deposited with the City Treasurer for the use of said city.

Sec. 104. The city shall furnish the necessary dockets, and all blanks and other books and papers and stationery necessary in the transaction of the business of the said Police Court. A complete record of all cases shall be entered in the docket of said court. Separate dockets shall be kept for the civil and criminal business.

Sec. 105. The said court shall have a seal, which shall be furnished by the city

Sec. 106. The Police Court shall always be open for the transaction of business, except on Sundays and other legal holidays.

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ARTICLE XI.

[Amendment, 1911.]

FIRE DEPARTMENT.

Sec. 107. There is hereby established a department of the government of the City of Los Angeles to be known as the Fire Department, which shall be under the management and control of a board of three commissioners, to be known as the Board of Fire Commissioners.

Sec. 108. The Mayor, who shall be *ex-officio* a member and president of the board, and two electors of the city who shall be appointed by the Mayor, subject to confirmation by a majority of the Council, shall constitute the Board of Fire Commissioners. The appointive members of the Board of Fire Commissioners shall serve without compensation, and shall hold office for four years, and until their successors are appointed and qualified; *provided, however*, that the first members of the said board appointed hereunder, shall hold office until the first Monday in January, 1912, and until their successors are appointed and qualified.

Sec. 109. The Fire Department shall consist of a Chief Engineer of the Fire Department, who shall be appointed and be subject to removal by the Mayor, and as many subordinate officers, and such firemen and employees as the council shall by ordinance determine.

Sec. 110. All appointments in the Fire Department shall be made by the Chief Engineer of the Fire Department, subject to approval by the Board of Fire Commissioners, and subject to such civil service regulations as are now or may hereafter be in force. The Chief Engineer of the Fire Department shall have the power to suspend or remove any officer or employee in the Fire Department; but no such suspension or removal shall be made except for cause, which shall be stated in writing and filed with said Board of Fire Commissioners, with certification that a copy of such statement has been served upon the person so sus-

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pended or removed personally, or by leaving a copy thereof at his last known place of residence if he cannot be found. Upon such filing the suspension or removal shall take effect. Within fifteen days after such statement shall have been filed, the said board, upon its own motion, may, or upon written application of the person so suspended or removed, filed with said board within five days after service upon him of such statement as above provided, shall proceed to investigate the grounds for such suspension or removal. If, in the case of a removal, the said board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained, and also finds in writing that the person removed is a fit and suitable person to fill the position from which he was removed, the said board shall reinstate him in such position; and if, in the case of a suspension, the board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained, the said board shall restore the person so suspended to duty. The order of said board with respect to such suspension or removal shall be final and conclusive. Any person restored to duty or reinstated in his position after suspension or removal, as provided in this section, shall be entitled to receive compensation from the city the same as if such suspension or removal had not been made.

Sec. 111. The salaries of the Chief Engineer of the Fire Department and of all other officers and employees of the Fire Department shall be fixed by the Council, by ordinance.

Sec. 111a. The Board of Fire Commissioners shall appoint a secretary, who shall not be a member of the board, and who shall receive such salary as the Council, by ordinance, shall prescribe. He shall keep a record of the proceedings of the board, and perform such other duties as the board may prescribe.

Sec. 112. The Board of Fire Commissioners shall, subject to the provisions of this article, have power to establish rules and regulations for the government of the Fire Department, and prescribe and enforce the penalties for their violation.

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Sec. 112a. In case of fire occurring on any vessel in Los Angeles harbor, or in the other navigable waters of said city, or in or upon any dock, wharf, pier, warehouse, building or other structure bordering upon or adjacent to said harbor or waters, full power and authority to direct and command the operation of extinguishing said fire and to take the necessary precautions to prevent communication thereof to the shipping in said harbor and other waters, or to the docks, wharves, piers, warehouses or other buildings or structures bordering upon or adjacent thereto, shall be vested in the Fire Department of the City of Los Angeles.

The officers of said Fire Department in charge at the scene of any such fire shall have full power and authority to direct the operation of extinguishing the same and to take the necessary precautions to prevent the communication thereof to the shipping in said harbor and other waters, or to any docks, wharves, piers, warehouses or other buildings or structures bordering upon or adjacent thereto, and in the course of such operation may prohibit the approach of such fire or to a vessel, dock, wharf, pier, warehouse or other building or structure in danger therefrom, of any tugboat or other vessel, or of any person; or may remove or cause to be removed and kept away from the vicinity of such fire all tugboats and other vessels, all idle and suspicious persons and all persons not fit to be employed or not actually and usefully employed, in their judgment, in aiding the extinguishing of such fire, or in the preservation of property in the vicinity thereof.

Any person who shall in any way obstruct the operations of said Fire Department in connection with any such fire, or who shall disobey any lawful command of the officers of said Fire Department in charge at the scene of such fire, or of the police in co-operating with them, shall be deemed guilty of a misdemeanor and shall be punishable in such manner as may be prescribed by ordinance.

Nothing in this section contained shall be construed to limit

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the authority of the master or officers of any such vessel on fire or in danger from fire, subject to the general authority granted herein of the Fire Department to control the operations in protection of the public interest.

Sec. 112b. The Board of Fire Commissioners and the Chief Engineer of the Fire Department, and all other officers and employees of the Fire Department, shall have such other powers and perform such other duties as may be granted or imposed by ordinance.

ARTICLE XII.

[Amendment, 1911.]

PARK DEPARTMENT.

Sec. 113. There is hereby created a department of the government of the City of Los Angeles to be known as the Park Department, which shall be under the management and control of a board of three commissioners, to be known as the Board of Park Commissioners.

Sec. 114. The members of the Board of Park Commissioners shall be appointed by the Mayor, subject to confirmation by a majority of the Council. No person shall be appointed a park commissioner who is not a qualified elector of the City of Los Angeles. The members of said board shall serve without compensation.

Sec. 115. The term of office of the members of the Board of Park Commissioners shall be four years; *provided, however*, that the three members first appointed hereunder shall so classify themselves by lot that one shall go out of office on the first Monday in January, 1913, one on the first Monday in January, 1914, and one on the first Monday in January, 1915. If any vacancy occurs the Mayor shall fill the same for the unexpired term, subject to confirmation by a majority of the Council.

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Sec. 116. Immediately after their appointment, the members of the Board of Park Commissioners first appointed hereunder shall organize by electing one of their members president, who shall hold his office for one year, and until his successor is elected, unless his membership on the board sooner expires. The Board of Park Commissioners shall appoint a secretary, not a member of the board, who shall receive such compensation as may be fixed by ordinance. The secretary shall keep a record of all the proceedings of the board, specifying the names of the commissioners present at all meetings, and giving the ayes and noes upon all votes. The secretary of the board may certify such proceedings under his seal, if a seal be adopted and provided by the board for that purpose, and shall perform such other duties as the board may prescribe.

Sec. 117. The Board of Park Commissioners shall maintain an office, to be provided by the Council, and prescribe office hours for the accommodation of the public. It shall hold regular meetings at least once in each week.

Sec. 118. The Board of Park Commissioners shall have power:

(a) To make and enforce all such rules and regulations as may be necessary or expedient for its own guidance, for the government of the Park Department, for the conduct of the officers and employees of said department, and for the administration, government and protection of the parks and park system of the City of Los Angeles, and may prescribe and enforce penalties for the violation of such rules and regulations, subject to ordinances of the Council.

(b) To appoint and define the duties of a Superintendent of Parks and such assistants and other employees as may be prescribed by ordinance, subject to such civil service rules and regulations as are now or may hereafter be in force, and to discharge, remove or suspend them, subject to the provisions of this Charter.

(c) To purchase and lease property for park purposes, or

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for the use and benefit of the Park Department, and to have general supervision, control, care and custody of all real and personal property owned by the City of Los Angeles and used in and about the parks or park system of said city, and generally to do any and all things that may be necessary to carry out the spirit and intent of this Charter in establishing, maintaining, operating, improving and enlarging the public parks and park system of the City of Los Angeles; and

(d) Subject to such ordinances as may from time to time be adopted by the Council, to have and exercise charge, superintendence and control of the design, location, construction, maintenance and use of all buildings, pavilions and other structures, and all fountains, statues, sculptures, monuments, arches or other structures in such parks, pertaining to park purposes, and intended for the convenience of the public, or for the ornamentation of such parks.

Sec. 119. The Board of Park Commissioners may, for and on behalf of the City of Los Angeles, receive donations, legacies or bequests for the improvement or maintenance of said parks or park system, or for the acquisition of new parks, and all moneys that may be derived from such donations, legacies or bequests shall, unless otherwise provided by the terms of such donation, legacy or bequest, be deposited in the treasury of the City of Los Angeles, to the credit of the park fund. The same may be withdrawn therefrom and paid out only in the same manner as is provided for the payment of moneys legally appropriated for the support and improvement of such parks and park system. If the moneys derived from such gifts, bequests or legacies shall at any time exceed in amount the sum necessary for immediate expenditure on said parks and park system, the board may invest all or a part of the same in interest-bearing bonds of the United States or of the State of California, or of any county, municipality or school district thereof. As to all such property, the Board of Park Commissioners shall be deemed

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and considered to be a special trustee thereof for the City of Los Angeles.

Sec. 119a. The Board of Park Commissioners shall have such additional powers and perform such other duties as may be granted or imposed by ordinance.

Sec. 119b. All lands and real property located in the City of Los Angeles which have been heretofore, or which may be hereafter, set apart or dedicated for the use of the public as a public park or parks, shall forever remain to the use of the public as such park or parks, inviolate, and no part of said lands or real property shall ever be used or occupied for any other purpose.

ARTICLE XIII.

[Amendment, 1911.]

HEALTH DEPARTMENT.

Sec. 120. There is hereby established a department of the government of the City of Los Angeles to be known as the Health Department.

Sec. 121. The Health Department shall be under the management and control of a commissioner, to be known as the Health Commissioner. He shall devote all his time to the performance of the duties of his office, and shall have such powers and perform such duties, in addition to those prescribed in this Charter, as may be prescribed from time to time by ordinance. The person holding the office of health officer at the time of the adoption of this article shall be entitled to take and hold the office of Health Commissioner until removed by the Mayor, or his successor is appointed.

Sec. 122. The Health Commissioner shall be appointed by the Mayor, subject to confirmation by the Council. He shall receive such compensation as may be prescribed by ordinance. He shall be provided by the Council with a suitable office and

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rooms in which to transact the business of the Health Department.

Sec. 123. The Health Department shall consist of as many physicians, officers, chemists, inspectors, clerks, assistants and other employees as the Council may, by ordinance, from time to time determine to be necessary. All appointments in the Health Department shall be made by the Health Commissioner, subject to such civil service rules and regulations as are now or may hereafter be in force. He shall have power to suspend or remove any of such appointees, subject to the provisions of this Charter.

Sec. 124. The Health Commissioner shall be a graduate of a reputable medical college, and shall have practiced medicine for at least five years prior to his appointment. He shall be licensed to practice medicine in the state of California. The qualifications, salaries and duties of all officers, chemists, inspectors, clerks, assistants and other employees in the Health Department shall be such as the Council may by ordinance prescribe.

Sec. 125. The Health Commissioner shall have supervision, jurisdiction and control, under such ordinances as may from time to time be adopted by the Council, of the sanitary condition and the general health of the city, and of all matters pertaining thereto, including also the sanitary condition of all schools, jails, hospitals, and other public buildings, and all health establishments or institutions of whatever kind, whether public or private. He shall have power, and it shall be his duty to see that all such ordinances and all rules and regulations of his department are enforced, and may call upon any police officer or officers at any time to assist in the enforcement thereof. The Health Commissioner shall have power, subject to approval by a majority of the Council, to make rules and regulations for the conduct of the Health Department, and the carrying out of his powers, not in conflict with this Charter or any ordinances of the city.

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Sec. 126. The Health Commissioner and all regularly appointed officers and employees of the Health Department shall have the right and power to arrest any person or persons who may violate any of the ordinances of the city pertaining to sanitation and health, and any of the rules and regulations of the department. It shall also be the duty of any police officer or policeman to arrest any person guilty of such violation.

ARTICLE XIV.

[Amendment, 1905.]

DEPARTMENT OF PUBLIC WORKS.

Sec. 143. There is hereby created a department of said city, to be known as the "Department of Public Works," which shall be under the management and control of a board of three commissioners, to be known as "The Board of Public Works."

(a) Said commissioners shall be appointed by the Mayor, subject to confirmation by a majority of the Council. All such appointments shall be so made that not more than two members of the board shall, at any one time, belong to the same political party. Each of said commissioners shall receive an annual salary of \$3600, payable in equal monthly installments, and shall give a bond to the city in the sum of \$10,000, conditioned for the faithful discharge of the duties of his office.

(b) The term of office of members of the Board of Public Works shall be four years. The term of office of the three members first appointed hereunder shall commence on the first Monday in January, 1906, and said three members shall so classify themselves by lot that one shall go out of office at the end of two years, one at the end of three years, and one at the end of four years thereafter. If any vacancy occurs, the Mayor shall fill the same by appointment for the unexpired term.

(c) The commissioners shall organize by electing one of their members president, who shall hold his office for one year;

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and until his successor is elected, unless his membership on the board sooner expires.

(d) The board shall maintain an office and prescribe office hours for the convenience of the public. It shall hold regular stated meetings at least once in each week. The commissioners shall devote all their time during official business hours to the duties of their office.

(e) The board shall appoint a secretary, not a member of the board, who shall receive such salary as the Council shall by ordinance prescribe. He shall keep a record of all its transactions, specifying therein the names of the commissioners present at all the meetings, and giving the ayes and noes upon all votes. He shall post and publish all orders, resolutions and notices, which the board shall order to be posted or published, and shall perform such other duties as are herein or may be, by order of the board, imposed upon him.—[Amendment, 1911.]

(f) The three members of the Board of Public Works and the secretary thereof shall be officers of the municipality in addition to the other officers thereof provided for herein.

(g) The Board of Public Works shall appoint an inspector of public works, who shall perform such duties as the board may prescribe, and whose salary shall be fixed by the Council. The inspector of public works shall give such bond to the city, conditioned for the faithful discharge of the duties of his office, as the Council shall prescribe.—[Amendment, 1911.]

(h) The Board of Public Works shall appoint and employ a civil engineer of not less than five years' professional experience, who shall be designated as the city engineer. He shall receive such salary as the Council shall by ordinance prescribe, and shall hold office at the pleasure of the board. He shall perform such civil engineering and surveying necessary in the prosecution of public work done under the direction or supervision of the board as said board may require. He shall make such certificates and reports upon the progress of such work, and shall make such surveys, inspections, and estimates, and perform

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such other surveying or engineering work as may be required by said board or by the City Council. He shall have all the powers and perform all the duties that are now or may hereafter be conferred or imposed by law, or by ordinance, upon the city engineer. He shall devote his entire time to the duties of his office, and shall receive no compensation in addition to his salary.—[Amendment, 1911.]

(i) The Board of Public Works shall, subject to such civil service regulations as are now or may hereafter be in force, appoint and employ and for good cause remove, such superintendents, inspectors, clerks and employees as the City Council shall, by ordinance, from time to time prescribe, and the board shall establish all necessary rules and regulations for the exercise of the powers conferred in this article, for the government of the Department of Public Works, and for the regulation and conduct of its officers and employees, and may require of any or all of such officers and employees, except laborers, adequate bonds for the faithful performance of their respective duties.

Sec. 144. The board shall, from and after the first organization thereof, be the successor in office of the street superintendent and of the superintendent of buildings, and shall have all the powers and perform all the duties that are now or may hereafter be conferred or imposed by law upon said officials, respectively, and the board shall perform such other duties as are herein or may be, by ordinance, imposed upon it.

Sec. 145. (a) The Board of Public Works shall have and exercise all the powers and duties that are now or may hereafter be conferred or imposed by law upon the City Council relating to:

1. The advertising for, and inviting of proposals or bids for doing any work ordered by the City Council to be done in or upon any streets, avenues, lanes, alleys, courts or places, or in the construction of any sewer or drain, ordered by the City Council in or over the right-of-way granted or acquired for such purpose;

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2. The examining, considering, and declaring of such proposals or bids;

3. The awarding, letting and re-letting of contracts for doing any of said work so ordered, the giving notice of such award, the rejection of proposals or bids for doing such work, and the granting of extensions of time for the completion thereof by the contractor therefor.

4. The approval and the fixing of the amount of bonds required to be given by contractors prior to, or at the time of executing contracts for such work, and the fixing of the time within which such work shall be commenced and completed.

The board shall also have and exercise all of the powers and duties that are now or may hereafter be conferred or imposed by law upon the Mayor relating to the approval of the award of contracts for any of the work mentioned in this section.

The Board of Public Works shall also have and exercise all of the powers and duties that are now or may hereafter be conferred or imposed by law upon any commission provided for by law to assess the benefits, damages and costs incident to a proposed change of grade of any public street, alley, lane or court.

(b) The president of the Board of Public Works shall have and exercise all of the powers and duties that are now or may hereafter be conferred or imposed by law upon the Mayor relating to the approval and fixing of the amount of bonds required to be given by contractors prior to or at the time of executing contracts for such work.

(c) The secretary of the Board of Public Works shall have and exercise all the powers and duties that are now or may be hereafter conferred or imposed by law upon the City Clerk or the clerk of the City Council relating to:

1. The receipt, care and custody of proposals or bids for doing any of the work mentioned in this section.

2. The care and custody of all checks and bonds accompanying such proposals or bids.

Sec. 146. The Board of Public Works shall have charge,

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superintendence and control, under such ordinances as may from time to time be adopted by the City Council:

1. Of all public ways, streets, avenues, boulevards, lanes, alleys, places and courts, now open or which may hereafter be opened, in the City of Los Angeles; of the manner of their use and occupation; of all work and improvements done in, on, over or under the same, and of all excavations made in or under the same.

2. Of the design, construction, maintenance and use of all sewers, drains and storm drains of the city, and of all connections therewith.

3. Of the cleaning, sprinkling, maintenance, repair, and lighting of all public ways, streets, avenues, boulevards, lanes, alleys, places and courts; the lighting of all public parks, and the lighting, heating and ventilating of all public buildings belonging to the city.

4. Of the design, construction, alteration, repair, maintenance and care of all public works and improvements, and of all public buildings belonging to the city.

5. Of the disposal of garbage, sewage and street refuse.

6. Of all public utilities that are now or may hereafter be owned, controlled or operated by the city, other than waterworks and electric power and light works and systems, and except wharves, piers, docks, warehouses and other utilities of the city pertaining to the water front, harbors and other navigable waters within the city.—[Amendment, 1911.]

Sec. 146¼. The Board of Public Works shall have charge, superintendence and control of the design, construction and establishment of an aqueduct system extending from a point in the Owens River Valley, in the State of California, to a point in the San Fernando Valley, in the County of Los Angeles, in the vicinity of the City of Los Angeles, for the purpose of providing said city with a water supply from the watershed of said Owens River; *provided*, that upon the completion of said aqueduct system the same shall thereafter be managed, controlled and

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maintained by the Board of Public Service Commissioners, as in the case of other waterworks belonging to said city.

The Board of Public Works shall also have charge, superintendence and control of the design, construction and establishment of wharves, docks, piers, warehouses, sea walls and other improvements on the water front, and the approaches thereto to be constructed or acquired by or through the expenditure of the proceeds of harbor improvement bonds, which are now or may be authorized prior to January 1, 1912, under such designs and plans as may be adopted by the Board of Public Works, with the approval of the Board of Harbor Commissioners; *provided*, that upon the completion of any such improvement upon the water front, the same shall thereafter be managed, controlled and maintained by the Board of Harbor Commissioners. And the proceeds of all harbor improvement bonds that may be authorized after January 1, 1912, shall be expended by the Board of Harbor Commissioners.—[Amendment, 1911.]

Sec. 146½. The Board of Public Works shall have power to acquire and take by purchase, condemnation or otherwise, in the name of the city, any and all property that may be necessary or convenient for the construction or completion of any public work or improvement, the construction or completion of which the Board of Public Works has charge, superintendence, or control, and the cost of which is to be paid from the proceeds of bonds issued and sold by said city.—[Amendment, 1907.]

Sec. 147. The Board of Public Works shall have charge of the enforcement of all ordinances relating to the construction, alteration, repair, demolition or removal of buildings and structures in the city; and to the arrangement, alteration and repair, use and operation of all heating, plumbing, lighting, ventilating and electrical and mechanical appliances therein.

Sec. 149. All instruments, warrants, records, certificates, notices, or other documents required to be signed or executed by the Board of Public Works shall be signed on order of the board by the president or by two members thereof.

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Sec. 150. The Board of Public Works shall present to the City Council at its meeting in the second week of July, in each year, a report for the year ending on the thirtieth day of June next preceding, which shall show the amount of money received from the sale of bonds, the purposes for which such money has been expended, the amount so expended, and the balance on hand in each bond fund, and also such information and suggestions as it may deem of general interest; and the Board of Public Works shall also, on or before the tenth day of each month, make out and present to the City Council a similar statement of all expenditures during the preceding month of the moneys derived from the sale of bonds.—[Amendment, 1909.]

Sec. 151. When the construction or completion of any public work or improvement, the cost of which is to be paid out of the proceeds of the sale of bonds, is to be carried on outside the City of Los Angeles, and the Board of Public Works shall deem it necessary or convenient that any part of the money to be expended for the cost of such work or improvements shall be disbursed at any point or points outside said city, said board may appoint a disbursing agent, whose duty it shall be to disburse such money in the manner hereinafter specified. The said disbursing agent shall enter into and deliver to the said board a bond payable to the city, in a sum to be fixed by said board, conditioned for the faithful performance of his duties, executed by himself, and by a responsible surety company, or if required by the board, by two or more sufficient sureties approved by the board, and said board may, from time to time, require from said disbursing agent a new bond, or such additional bond as it may deem proper. Said board shall, after the execution and delivery of such bond, by resolution, authorize the payment and delivery to said disbursing agent of such sum of money as it may deem proper, and said sum shall thereupon be paid to said disbursing agent by the City Treasurer upon a demand approved by the board as in other cases out of the fund from which the cost of said work or improvement is to be paid, and the receipt

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of said disbursing agent therefor shall release the City Treasurer from all liability for the moneys so paid. Provided, however, that said board shall not authorize the payment to said disbursing agent of any money which, together with the moneys already paid to him and remaining unexpended as herein provided, shall exceed fifty per cent of the amount of the bond of said disbursing agent.

That said disbursing agent shall thereafter pay out said money as may be required in the prosecution of said work for services or for material and supplies, but no money shall be paid by him except upon order of said Board of Public Works and upon vouchers or demands certified to be correct by the officer or agent of the city under whose direction the services are rendered or the materials or supplies used.

Said disbursing agent shall, on or before the tenth day of each calendar month, and at such other times as may be required by said Board of Public Works, render to said board an account showing the amount of money in his hands on the first day of the preceding calendar month, all amounts received, and all moneys disbursed by him during said preceding month, and the amount of money remaining in his hands on the last day of said preceding month.

Said disbursing agent shall perform such other duties and comply with such rules and regulations as the Board of Public Works may prescribe. Said agent shall be exempt from the provisions of the Civil Service, and shall receive such salary as the Council by ordinance may fix.—[Amendment, 1907.]

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ARTICLE XV.

[Amendment, 1911.]

DEPARTMENT OF PUBLIC UTILITIES.

Sec. 152. There is hereby created a department of the government of the City of Los Angeles to be known as the Department of Public Utilities, which shall be under the management and control of a board of three commissioners, to be known as the Board of Public Utilities.

Sec. 153. Said commissioners shall be appointed by the Mayor, subject to confirmation by a majority of the Council. The term of office of members of the Board of Public Utilities shall be four years, except that the term of office of the members first appointed hereunder shall commence with the taking effect of this article, and said three members shall so classify themselves by lot, that one shall go out of office on the first Monday in January, 1913, one on the first Monday in January, 1914, and one on the first Monday in January, 1915. If any vacancy occurs the Mayor shall, subject to confirmation by the Council, fill the same by appointment for the unexpired term.

Sec. 154. The board shall organize by electing one of its members president, who shall hold his office for one year, and until his successor is elected, unless his membership on the board sooner expires; *provided, however*, that the term of office of the president first elected shall expire on the first Monday in January, 1913. The board shall maintain an office, to be provided by the City Council, and shall keep the same open for the convenience of the public during such time as may be prescribed by ordinance. The board may appoint a secretary, who is not a member of the board, who shall receive such compensation as the Council, by ordinance, may prescribe. The secretary shall keep a record of the proceedings of the board, specifying therein the names of the commissioners present at all the meetings, and giving the ayes and noes upon all votes, and shall perform such other duties as are herein or may by order of the board be im-

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posed upon him. Said board shall hold regular meetings at least once in each week, and special meetings may be held upon a written call therefor, signed by the president, or by two members of the board, and notice of any special meeting shall be given by the secretary in the same manner as may be prescribed by ordinance for special meetings of the Council.

Sec. 155. The powers and duties of the Board of Public Utilities shall be as follows:

1. To make, at such times as may be prescribed by ordinance, a thorough investigation into the affairs of all persons, firms or corporations operating or maintaining water, electric lighting, power, gas or telephone systems, or street railways, or interurban railroads, or other public service utilities, in the City of Los Angeles (excepting wharves, docks, warehouses and other utilities pertaining to the water front, to Los Angeles harbor or to other navigable waters in said city), and compile such data as may be necessary to determine the proper charges for the services furnished or supplied by such persons, firms or corporations, as provided in this Charter, or otherwise by law. Such data shall include a valuation of the physical properties of such persons, firms or corporations, a detailed statement of gross and net earnings, expenses, capitalization and indebtedness thereof, and such other matters as the board may deem proper, and shall also include such facts and figures as may be obtainable regarding the operation and maintenance of similar systems and utilities in other municipalities. The board shall have the right, at all reasonable times, to have access to, and, in person or by their duly authorized representatives, to examine all property of such persons, firms or corporations used in connection with such or any public utility, whether such property be situated within or without the City of Los Angeles, and to examine the books, papers, maps and records showing the affairs, transactions, property and financial condition of such persons, firms or corporations, for the purpose of such investigation and the compiling of such data, and to require reports respecting said matters from

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such persons, firms or corporations at such time and in such form as said board may prescribe.

2. To fix, subject to approval, change or modification by the Council, as hereinafter provided, the rates to be charged and collected for the services mentioned in subdivision one of this section (except the rates for the use of docks, wharves, warehouses and other utilities pertaining to the water front, to Los Angeles harbor, or to other navigable waters in said city), such rates to be so fixed for such periods as may be prescribed by ordinance, or otherwise by law, but in no event for a period less than one year, nor for a longer period than three years. Such rates shall be fixed by resolution of the board, to be recorded in the minutes with the ayes and noes at length. Any such resolution shall be adopted within such time as shall be prescribed by ordinance. Immediately upon the adoption of any such resolution, a copy of the same, certified by the secretary of said board, shall be filed with the City Clerk. The City Clerk shall present such resolution to the Council at its next regular meeting, and shall cause the same to be published for five days in a daily newspaper printed and published and circulated in said city. Any person interested in or affected by the rates specified in any such resolution may, within fifteen days after the expiration of such publication file objections thereto with the City Clerk, specifying the grounds of such objections, and petition the Council for a rehearing of such rates. The City Clerk shall lay all such objections before the Council at its next regular meeting after the expiration of the time for filing the same. The Council may, upon any such petition, by a vote of two-thirds of its members, order a rehearing of the rates objected to. If such rehearing be ordered, the Council shall consider such rates and shall hear and pass upon the objections thereto at such time, and under such rules and mode of procedure as it shall by ordinance prescribe, and shall have the power to finally fix such rates by approving, changing or modifying the same, such approval, change or modification to be made by ordinance; *provided*,

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however, that in order to change or modify any rates fixed by the said Board of Public Utilities, the affirmative vote of two-thirds of the entire Council shall be necessary.

All rates to which no objections are filed or offered shall be deemed to be finally fixed by said Board of Public Utilities. All rates finally fixed under the provisions of this article shall be so fixed as to take effect on the first day of July thereafter.

3. To investigate any and all complaints against the service or charges of any person, firm or corporation operating any public service utility in the City of Los Angeles (excepting wharves, docks, warehouses and other utilities pertaining to the water front, to Los Angeles harbor, or to other navigable waters in the City of Los Angeles), or furnishing any public service to the said city or its inhabitants, including the supplying of water, electric light, power, gas, and telephone service, and the operation of street railways and interurban railroads, and to recommend legislation to the City Council, or action to executive officers of the city, whenever in the judgment of said board such legislation or such action may be necessary.

4. To superintend the inspection of all public utilities operated, maintained or furnished by persons, firms or corporations in the City of Los Angeles, as to their compliance with their franchises, and with the law and the ordinances of said city regulating the manner of conducting their business, including also the inspection and testing of meters, both gas and electric, and the testing of gas, and the service and charges of such persons, firms or corporations, and their treatment of the public, and, from time to time, to recommend such legislation or executive action based on such investigation, as in their judgment may be required.

5. To prepare and keep a detailed and indexed record of all public service franchises granted by the city that are now in existence, or that may hereafter be granted, showing the date, location, term thereof, and all other essential facts, and a similar

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record, so far as practicable, of all other public franchises exercised in the City of Los Angeles.

6. To make a report to the Council, in the month of August of each year, of which not less than 1000 copies shall be printed for distribution at the expense of the city, giving the essential facts and figures concerning the aforesaid public utilities operated and maintained in the City of Los Angeles, comparing their charges and character of service with those of similar utilities in other municipalities. Such report shall contain a digest of the transactions of the board during the year ending on the 30th day of June last preceding, together with such information and suggestions relative to the public services and utilities furnished or operated in the City of Los Angeles as it may deem of general interest.

Sec. 156. Every application made to the City Council for a franchise for any public service or utility (except wharves, docks, warehouses or other utilities pertaining to the water front, to Los Angeles harbor, and other navigable waters within said city), shall, before any action is taken thereon, be referred by the Council to the Board of Public Utilities for its recommendation respecting the same. Said board shall proceed to inquire into such application, and within thirty days after such application has been referred to it, or longer if allowed by the Council, shall report to the Council its recommendation relative thereto. If, in the judgment of the board, such application should not be advertised for sale or granted, it shall so report, stating its reasons therefor; and if, in the judgment of the board, such application should be granted, it shall recommend the terms and conditions upon which the same should be so granted. No franchise shall be advertised for sale or granted except upon an application therefor in writing previously filed with the City Council, nor unless such application shall have been referred to the Board of Public Utilities as aforesaid; *provided, however*, that if said board shall fail to report thereon within the time herein prescribed, or as extended by the Council, nothing herein con-

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tained shall be construed to prevent the City Council, at its discretion, from proceeding to advertise such franchise for sale, or from awarding the same, as provided by law. No franchise shall be advertised for sale or granted contrary to the recommendations of said board except upon a three-fourths vote of the entire Council.

Sec. 157. The Board of Public Utilities shall be entitled to the assistance of the City Attorney, City Prosecutor, Chief of Police, City Engineer and other city officers whenever the same shall be required. Said board is also hereby authorized to employ or contract in behalf of the city for the services of such engineers and such persons qualified to render professional, scientific, technical or expert services as the board may deem necessary, and to fix the compensation of all such persons.

Sec. 158. The Board of Public Utilities shall appoint, subject to such Civil Service regulations as are now or may hereafter be in force, such inspectors, clerks and other officers and employees as the Council, by ordinance, may from time to time prescribe. They shall receive such compensation as may be fixed by the Council by ordinance. Said board shall have power to discharge, remove or suspend any such person, subject to the provisions of this Charter.

Sec. 159. Whenever required by the Board of Public Utilities, it shall be the duty of any person, firm or corporation operating a system for supplying water, electric light, power, gas or telephone service to the City of Los Angeles, or its inhabitants, or operating a street railway or interurban railroad, or other public service utility in said city (except wharves, docks, warehouses, and other utilities pertaining to the water front, to Los Angeles harbor, or other navigable waters in said city), to permit the members of the Board of Public Utilities and any person designated by such board, to inspect the property of such system or utility, pertaining to the operation or maintenance thereof, or to the service thereby rendered, and to examine the books, maps, and other records showing the affairs, transactions,

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property and financial condition of the person, firm or corporation operating the same.

Sec. 160. Whenever any pipe, or any direct or primary wire of any person, firm or corporation furnishing electricity, power, gas or water or telephone service, or any other utility or service, to the inhabitants of the city, shall be within one thousand feet of any residence or building, it shall be the duty of such person, firm or corporation, upon application of the person owning or occupying the said residence or building, to extend such pipe or wire so as to connect with such residence or building, upon the deposit by such applicant with such person, firm or corporation, of the actual cost of making such extension and connection; such actual cost shall be determined by the Board of Public Utilities if the parties do not agree as to the amount thereof. Whenever any extension or connection is made under the provisions of this section, the charges for all service furnished thereunder shall be credited by the person, firm or corporation furnishing such service as an offset against the amount so deposited for such extension or connection, until the amount of such charges shall equal the amount of such deposit.

Sec. 161. The Board of Public Utilities, subject to ordinances adopted by the Council, shall have power, by order or resolution entered upon the minutes of said board, to make and enforce rules and regulations respecting the operation of all public utilities in the City of Los Angeles, other than those owned or operated by the City of Los Angeles, and shall also have power, by order or resolution, to make and enforce such reasonable by-laws, rules, regulations and modes of procedure as may be necessary for its government and for the exercise of the powers conferred, and the performance of the duties imposed upon said board by this article. All such rules, regulations and by-laws shall be published once in a daily newspaper, printed, published and circulated in said city, and shall take effect upon such publication. Said board shall also have power to make such rules and regulations for the conduct of the officers

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and employees in the Department of Public Utilities as said board may deem proper.

Sec. 162. Each member of the Board of Public Utilities is hereby authorized and empowered to administer oaths and affirmations in all matters incident or pertaining to the exercise of the duties or powers of said board. Said board is hereby authorized and empowered to require, by subpoena, the attendance and testimony of witnesses, and the production of books, papers and documents, in any investigation, hearing or proceeding conducted by said board, in respect to any matter or thing of which said board has jurisdiction. The subpoenas authorized as aforesaid shall be issued and signed by the president of said board. The Chief of Police is hereby authorized and directed to serve or cause to be served any and all subpoenas which may be issued by said board from time to time.

Sec. 163. The Council shall pass and adopt all ordinances necessary for the enforcement of the provisions of this article, and to enable the said Board of Public Utilities to exercise the powers and to perform the duties granted or imposed upon it by this article. And said board shall have such further powers and perform such other duties as may be granted or imposed by ordinance.

Sec. 164. It shall be unlawful for any person, firm or corporation to fail, refuse or neglect to comply with any of the provisions of this article, and any person, firm or corporation violating any of the provisions of this article, or refusing to obey any subpoena issued by said board, or to conform to any order of said Board of Public Utilities, or any rule or regulation of the said board with respect to the operation of any utility mentioned in this article, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred (\$500) dollars, or by imprisonment in the city jail for a period of not more than six (6) months, or by both such fine and imprisonment.

Sec. 165. That any ordinance of said city creating a De-

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partment of Public Utilities, providing for a Board of Public Utilities, and the appointment of the members thereof, and prescribing the powers and duties of such board, adopted by a vote of the people of the City of Los Angeles or otherwise, be and the same is hereby repealed.

ARTICLE XVI.

[Amendment, 1911.]

HARBOR DEPARTMENT.

Sec. 168. There is hereby created a department of the government of said city to be known as the "Harbor Department," which shall be under the management and control of a board of three commissioners, to be known as the Board of Harbor Commissioners.

Sec. 169. The members of the Board of Harbor Commissioners shall be appointed by the Mayor, subject to confirmation by a majority of the Council. No person shall be appointed a harbor commissioner who is not a qualified elector of the City of Los Angeles. The Council may, by ordinance, provide for, and fix the amount of, salaries for the members of said board or any thereof.—[Amendment, 1913.]

Sec. 170. The term of office of the members of the Board of Harbor Commissioners shall be four years. The term of office of the three members first appointed hereunder shall commence upon the taking effect of this article, and said three members shall so classify themselves by lot that one shall go out of office on the first Monday in January, 1913, one on the first Monday in January, 1914, and one on the first Monday in January, 1915. If any vacancy occurs, the Mayor shall fill the same by appointment for the unexpired term, subject to confirmation of a majority of the Council. The board shall organize by electing one of its members president, who shall hold his office for one year, and until his successor is elected, unless his

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membership in the board sooner expires; *provided, however,* that the president first elected shall hold his office until the first Monday in January, 1913, and until his successor is elected, unless his membership in said board sooner expires.

Sec. 171. The president of the Board of Harbor Commissioners shall be the executive officer of the Harbor Department.

Sec. 172. The Board of Harbor Commissioners shall appoint a secretary, not a member of the board, whose salary shall be fixed by ordinance. He shall keep a record of all the proceedings of the board, specifying therein the names of the commissioners present at all meetings, and giving the ayes and noes upon all votes. The secretary of the board may certify such proceedings under his hand, to be authenticated by seal, if a seal be adopted and provided by the board for that purpose, and shall perform such other duties as the board may prescribe.

Sec. 173. The Board of Harbor Commissioners shall maintain an office, to be provided by the Council, and prescribe office hours for the convenience of the public. It shall hold regular meetings at least once in each week. It shall have power to establish all necessary rules and regulations for the government of the Harbor Department, and for the regulation of the conduct of the officers and employees therein as it shall deem proper.

Sec. 174. The City Engineer shall be the engineer of the Board of Harbor Commissioners, and shall be *ex-officio* harbor engineer of the city; and in addition to his duties otherwise prescribed in this Charter, he shall perform such engineering and surveying necessary for the public work done under the direction or supervision of the board, as said board may require. He shall make such certificates and reports upon the progress of such work, and shall make such surveys, inspections and estimates, and perform such other surveying and engineering work as may be required by the board. The board shall also appoint an assistant engineer, to be known as the assistant harbor engineer, who shall assist the city engineer in the performance of his duties

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as harbor engineer. The assistant engineer shall receive such salary as may be prescribed by ordinance. He shall devote his entire time to the duties of his office and shall receive no compensation in addition to his salary.

Sec. 175. The Harbor Department shall consist of a port warden and such harbor inspectors, pilots, wharfingers, warehouse keepers, clerks and other officers and employees as may from time to time be determined by ordinance. The salaries of all officers and employees of the Harbor Department shall be fixed by ordinance, and said Board of Harbor Commissioners shall prescribe their powers and duties. All appointments in the Harbor Department shall be made by the Board of Harbor Commissioners, subject to such Civil Service rules and regulations as may now or hereafter be in force. Said board shall have the power to discharge, remove or suspend all officers or employees in the Harbor Department, subject to the provisions of this Charter. The board shall establish all necessary rules and regulations for the exercise of the powers conferred in this article, for the government of the Harbor Department, and for the regulation and conduct of its officers and employees, and may prescribe and enforce penalties for the violation of such rules and regulations. The Board of Harbor Commissioners may require of any or all of such officers and employees, except laborers, adequate bonds for the faithful performance of their respective duties.

Sec. 176. There is hereby established a district in the City of Los Angeles to be known as the harbor district, which shall comprise, among other lands, the tide lands and submerged lands within the limits of said city, which said lands were granted to the City of Los Angeles in trust for public uses by an act of the legislature of the State of California, approved May 1, 1911. Until otherwise provided by ordinance said district shall consist of that portion of the said city included within the following described boundaries:

Beginning at the intersection of the westerly boundary line

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of the City of Los Angeles with the line of ordinary high tide of the Pacific Ocean; thence easterly and northerly following the said line of high tide to its intersection with the northerly line of the United States reservation; thence northwesterly in a direct line to the intersection of the northerly line of Twenty-second street, in that portion of the City of Los Angeles comprised within the limits of the former city of San Pedro, and the westerly line of Crescent avenue; thence northerly and northeasterly along the westerly and northwesterly line of Crescent avenue and its prolongation to the easterly line of Beacon street; thence northerly along the easterly line of Beacon street to the northerly line of Wall street; thence easterly along the northerly line of Wall street to the westerly line of Front street; thence northerly along the westerly line of Front street to the southerly line of Fourth street; thence north-easterly in a direct line to the intersection of the northerly line of Fourth street with the westerly line of that certain highway known as the Harbor boulevard; thence northerly and northwesterly along the westerly line of said Harbor boulevard to its intersection with the southwesterly line of Bay street; thence northwesterly along the said southwesterly line of Bay street and its prolongation to the westerly line of Palos Verdes street; thence northerly along the westerly line of Palos Verdes street and its prolongation to its intersection with the southerly line of that certain highway known as the Wilmington and San Pedro road; thence northwesterly, westerly, southwesterly, northwesterly, northeasterly, northwesterly and northeasterly along the southwesterly, southerly, southeasterly, southwesterly, northwesterly, southwesterly and northwesterly line of said Wilmington and San Pedro road to its intersection with the westerly prolongation of the center line of West First street in that portion of the city of Los Angeles comprised within the limits of the former city of Wilmington; thence easterly along the center line of West First street to the center line of "E" street; thence southerly along the center line of "E" street to

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the center line of Front street; thence easterly along the center line of Front street and its easterly prolongation to the center line of East street; thence northerly along the center line of East street to the center line of East First street; thence easterly along the center line of East First street to the center line of Banning street; thence northerly along the center line of Banning street to the center line of East Second street; thence easterly along the center line of East Second street to the center line of Downey street; thence northerly along the center line of Downey street to the center line of East Third street; thence easterly along the center line of East Third street to the center line of Dominguez street; thence northerly along the center line of Dominguez street to the center line of East Fourth street; thence easterly along the center line of East Fourth street to the center line of Sanford street; thence northerly along the center line of Sanford street to the center line of East Fifth street; thence easterly along the center line of East Fifth street to the center line of Carson street; thence northerly along the center line of Carson street to the center line of East Sixth street; thence easterly along the center line of East Sixth street to the center line of Watson street; thence northerly along the center line of Watson street to the center line of East Seventh street; thence easterly along the center line of East Seventh street to the westerly line of the right of way of the Southern Pacific Railroad Company; thence northeasterly along the westerly line of said right of way to its intersection with the northerly boundary line of that part of the City of Los Angeles comprised within the limits of the former City of Wilmington; thence easterly, southeasterly, southwesterly, southeasterly, southwesterly, southerly, westerly and northerly along the boundary line of the City of Los Angeles to the point of beginning.

The Council may, from time to time, by ordinance, alter the boundaries of said harbor district; *provided, however*, that no such alteration shall be made so as to exclude from such dis-

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trict any tide lands or any submerged lands, whether filled or unfilled, any navigable waters included within the aforesaid boundaries, or any portion of said harbor district situated below the line of ordinary high tide.

The said tide lands and submerged lands within said harbor district, whether filled or unfilled, are hereby declared to be required and withheld for public use for navigation, commerce and fishery, or purposes in connection therewith, and shall, except as hereinafter provided, continue to be withheld for such purposes.

The Board of Harbor Commissioners shall have charge of the enforcement of all ordinances relating to the construction, alteration, repair, demolition or removal of sea walls, embankments, bulkheads, wharves, piers, docks, quays, slips, landings, elevators, cranes, derricks, marine ways, warehouses and other structures and appliances within said harbor district for the accommodation of commerce and navigation, and relative to any work of filling, excavating or dredging in said district.

The Board of Harbor Commissioners shall have possession and control, under such ordinances as may from time to time be adopted by the Council, of the entire water front of the city, and of Los Angeles harbor and other navigable waters within the limits of said city, and authority to use, for the loading and landing of merchandise, with a right to collect dockage, wharfage and tolls thereon, such portions of the streets and other public places terminating in or fronting upon the navigable waters within the city of Los Angeles as may be used for such purposes without obstructing the same as thoroughfares.

For the purposes of this section and of this article, the Board of Harbor Commissioners shall have such further powers and perform such other duties as may be granted or imposed by ordinance.—[Amendment, 1913.]

Sec. 177. The Board of Harbor Commissioners, subject to such ordinances as the Council may from time to time adopt, shall have power:

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(a) To make, adopt and enforce by-laws, rules and regulations regarding the use and control of the water front, Los Angeles harbor, and all other navigable waters within the limits of the City of Los Angeles, and the anchoring, mooring, towing, docking and landing of all steamships, vessels and other water craft therein, respecting pilotage and towage, and the placing, installment and maintenance of buoys, bells, lights and fog horns in and upon said harbor and waters.

(b) To regulate and control the operation and use of all wharves, piers, docks, slips, quays, landings, elevators, cranes, derricks, warehouses, marine ways, dry docks, railways and other utilities, structures and appliances for the accommodation of commerce in Los Angeles harbor and other navigable waters within the limits of said city, for the taking on and landing of passengers, and the loading and discharging of the cargoes of steamships, vessels and other water craft therein.

(c) To fix, regulate and collect rates or charges for wharfage, dockage, tolls and cranage of all steamships, vessels and other water craft admitted to the wharves, piers, docks, slips, quays, landings, owned, controlled or operated by the city; the rates of towage and pilotage in said harbor and navigable waters, and the rates or charges on all ferries, steamships, vessels or other water craft owned, controlled or operated by said city, and to fix, regulate and collect rates or charges for the use of all warehouses, elevators, bunkers, marine ways, dry docks and other structures, derricks, cranes and other appliances owned, controlled or operated by the said city, and constructed or used for the loading and unloading of cargoes of steamships, vessels and other water craft, and for the storage thereof, and for the use of all appliances for the taking on or discharge of passengers by or from such steamships, vessels or other water craft.

(d) The powers conferred by this section upon the said Board of Harbor Commissioners shall be exercised by resolution or order adopted by a majority of its members, and recorded in the minutes with the ayes and noes at length. Every such reso-

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lution or order shall be published in the same manner as ordinances of said city, and shall take effect upon such publication; *provided*, that no such resolution or order of the said board fixing any rates, charges, fares or tolls, or prescribing the time or manner of payment thereof, shall be effective until the same shall be approved by the Council, by ordinance, and shall be thereafter published for at least three days in a newspaper printed, published and circulated in the City of Los Angeles. Any person, firm or corporation who shall violate the provisions of any such resolution or order shall be guilty of a misdemeanor, and shall be punishable by imprisonment in the City Jail for a period not exceeding six months or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

Sec. 178. In case of fire occurring on any vessel in Los Angeles harbor, or in other navigable waters of said city, or in or upon any dock, wharf, pier, warehouse, building or other structure bordering upon or adjacent to said harbor or waters, power and authority respecting the extinguishment thereof and to prevent the spreading thereof, shall be vested in the Fire Department as in this Charter provided.

Sec. 179. The Board of Harbor Commissioners, except as otherwise in this Charter provided, shall have charge, superintendence and control, under such ordinances as may from time to time be adopted by the Council:

(a) Of the design, construction, maintenance and repair of all sea walls, embankments, bulkheads, wharves, piers, docks, quays, slips, landings, elevators, cranes, derricks, marine ways, warehouses and other structures and appliances erected, operated or maintained by the city for the accommodation of commerce in and upon the water front, Los Angeles harbor and the navigable waters within the limits of said city, for the landing of steamships, vessels and other water craft therein, for the loading, discharging and storing of the cargoes of such steamships, vessels and other water craft, and of all appliances erected, con-

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structed or maintained by the city for the taking on or discharging of passengers by or from such steamships, vessels and other water craft;

(b) Of the dredging, deepening, widening and clearing of all slips, docks, channels, canals, basins, waterways and other waters in Los Angeles harbor and other navigable waters within the limits of said city, and of the acquisition, construction and operation of dredging machines, scows, tugs and other machinery or appliances therefor, and of the employment of persons to operate the same; *provided, however*, that whenever any such slips, docks, channels, canals, basins, waterways, or other waters shall be so dredged, deepened, widened or cleared, the materials taken therefrom shall be deposited in such place or places as the Board of Harbor Commissioners shall designate;

(c) Of all wharves, piers, docks, quays, slips, landings, drydocks, marine ways, elevators, cranes, derricks, warehouses, and other structures, marine ways, railways and all other structures and appliances owned, controlled or operated by the said city for the landing of vessels, the loading and unloading of their cargoes, and the storage thereof, the taking on and discharging of their passengers;

(d) Of all ferries, tow boats, pilot boats, steamships, and other vessels and water craft owned, operated or controlled by said city.

Sec. 180. In addition to the powers and duties hereinbefore provided, the Board of Harbor Commissioners shall exercise and perform the further powers and duties:

1. To make at such times as may be prescribed by ordinance, a thorough investigation into the affairs of all persons, firms or corporations operating or maintaining ferries, wharves, piers, docks, quays, moles, slips, landings, elevators, cranes, derricks, marine ways, warehouses, and other public service utilities pertaining to the water front, Los Angeles harbor, and other navigable waters in the city, and collecting fares, wharfage, dockage, tolls and other charges for the use of the same, in the

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City of Los Angeles, and compile such data as may be necessary to determine the proper licenses and charges for the services furnished or supplied by such persons, firms or corporations, as provided in this Charter, or otherwise by law. Such data shall include a valuation of the physical properties of such persons, firms or corporations, a detailed statement of gross and net earnings, expenses, capitalization and indebtedness thereof, and such other matters as the board may deem proper, and shall also include such facts and figures as may be obtainable regarding the operation and maintenance of similar works and utilities in other municipalities. The board shall have the right, at all reasonable times, to have access to, and, in person or by their duly authorized representatives, to examine all property of such persons, firms or corporations used in connection with each such public utility, and to examine the books, papers, maps and records showing the affairs, transactions, property and financial condition of such persons, firms or corporations, for the purpose of such investigation and the compiling of such data.

2. To fix, subject to approval, change or modification by the Council, as hereinafter provided, the amount of licenses to be imposed and collected by the city and the rates to be charged and collected for the services mentioned in subdivision one of this section, such licenses and rates to be so fixed for such periods as may be prescribed by ordinance, or otherwise by law, but in no event for a period less than one year, nor more than three years. Such licenses and rates shall be fixed by resolution of the board, to be recorded in the minutes with the ayes and noes at length. Any such resolution shall be adopted within such time as shall be prescribed by ordinance. Immediately upon the adoption of any such resolution, a copy of the same, certified by the secretary of said board, shall be filed with the City Clerk. The City Clerk shall present such resolution to the Council at its next regular meeting, and shall cause the same to be published for five days in a daily newspaper printed and published and circulated in said city. Any person interested in or affected

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by the rates or licenses specified in any such resolution may, within fifteen days after the expiration of such publication file objections thereto with the City Clerk, specifying the grounds of such objections, and petition the Council for a rehearing of such rates. The City Clerk shall lay all such objections before the Council at its next regular meeting after the expiration of the time for filing the same. The Council may, upon any such petition, by a vote of two-thirds of its members, order a rehearing of the rates or licenses objected to. If such rehearing be ordered the Council shall consider such rates or licenses, shall hear and pass upon the objections thereto at such time, and under such rules and mode of procedure as it shall by ordinance prescribe, and shall have the power to finally fix such rates or licenses by approving, changing or modifying the same, such change or modification to be made by ordinance; *provided, however*, that in order to change or modify any rates or licenses fixed by the said Board of Harbor Commissioners, the affirmative vote of two-thirds of the entire Council shall be necessary.

All rates or licenses to which no objections are filed or offered, shall be deemed to be finally fixed by said Board of Harbor Commissioners. All rates or licenses finally fixed under the provisions of this article shall be so fixed as to take effect on the first day of July thereafter.

3. To investigate any and all complaints against the service or charges of any person, firm or corporation operating any ferry, wharf, pier, dock, quay, mole, slip, landing, elevator, crane, derrick, marine way, warehouse, and other public service utility pertaining to the water front, to Los Angeles harbor and other navigable waters in the City of Los Angeles, and to recommend legislation to the City Council, or action to executive officers of the city, whenever in the judgment of said board such legislation or such action may be necessary.

4. To superintend the inspection of all ferries, wharves, piers, docks, quays, moles, slips, landings, elevators, cranes, derricks, marine ways, warehouses, and other public service utilities

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pertaining to the water front, to Los Angeles harbor and other navigable waters in said city, maintained or furnished by persons, firms or corporations in the City of Los Angeles, as to their compliance with their franchises, and with the law and the ordinances of said city regulating the manner of conducting their business, and the service and charges of such persons, firms or corporations, and their treatment of the public, and, from time to time, to recommend such legislation or executive action based on such investigation, as in their judgment may be required.

5. To prepare and keep a detailed and indexed record of all franchises or other grants or leases for ferries, wharves, piers, docks, quays, moles, slips, landings, or other public service utilities granted or given by the city or by other authority, in, upon or pertaining to the water front, to Los Angeles harbor or other navigable waters in said city that are now in existence, or that may hereafter be given or granted, showing the date, location, term thereof, and all other essential facts, and a similar record, so far as practicable, of all other like public franchises exercised in the City of Los Angeles.

6. To make a report to the Council, in the month of August of each year, for the year ending on the 30th day of June last preceding, of which not less than 1000 copies shall be printed for distribution at the expense of the city, giving the essential facts and figures concerning the aforesaid public utilities operated and maintained in the City of Los Angeles, comparing the licenses thereof and their charges and character of service with those of similar utilities in other municipalities. Such report shall contain a digest of the transactions of the board during the year for which it is made, together with such information and suggestions relative to the development and improvement of the water front, Los Angeles harbor and other navigable waters in the city, and the commerce thereof, as it may deem of general interest.

Sec. 181. Every application made to the City Council for

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a franchise for any ferry, wharf, pier, dock, quay, mole, slip, landing, or other public service utility, in, upon or pertaining to the water front, Los Angeles harbor, or other navigable waters within said city, shall, before any action is taken thereon, be referred by the Council to the Board of Harbor Commissioners for its recommendation respecting the same. Said board shall proceed to inquire into such application and within thirty days after such application has been referred to it, or longer if allowed by the Council, shall report to the Council its recommendation relative thereto. If, in the judgment of the board, such application should not be advertised for sale or granted, it shall so report, stating its reasons therefor; and if, in the judgment of the board, such application should be granted, it shall recommend the terms and conditions upon which the same should be so granted. No such franchise shall be advertised for sale or granted except upon an application therefor in writing previously filed with the City Council, nor unless such application shall have been referred to the Board of Harbor Commissioners, as aforesaid; *provided, however*, that if said board shall fail to report thereon within the time herein specified, or as extended by the Council, nothing herein contained shall be construed to prevent the City Council, at its discretion, from proceeding to advertise such franchise for sale, or from awarding the same, as provided by law. No franchise shall be advertised for sale or granted contrary to the recommendations of said board except upon a three-fourths vote of the entire Council.

Sec. 182. Every application for the right, privilege or franchise to use any portion of the water frontage or tide lands or submerged lands belonging to the City of Los Angeles, whether filled or unfilled, shall be presented in writing to the Council. Such application shall state the purposes for which such water frontage, tide or submerged lands are proposed to be used. Before any action is taken thereon by the Council, such application shall be referred by it to the Board of Harbor Commissioners, which shall investigate the same, and shall

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within thirty days after such application shall have been so referred, or within such further time as shall be allowed by the Council, report to the Council in writing its recommendations relative thereto. If, in the judgment of said board, such application should not be granted, said board shall so report, stating its reasons therefor; but if, in the judgment of said board, such application should be granted, said board shall in its report specify the terms, stipulations and conditions thereof, and the compensation to the city therefor, subject to the limitations elsewhere provided in this Charter, as shall be deemed by said board to be proper or necessary in the premises. No application to use any portion of such water frontage, tide lands or submerged lands shall be granted, except in pursuance of an application therefor in writing previously filed with the Council and referred to the Board of Harbor Commissioners as aforesaid; *provided, however*, that if said board shall not report its recommendations thereon within the time above specified, or as so extended by the Council, the Council may, at its discretion, proceed to grant said application or order such right, privilege or franchise to be given, as in the Charter of said city provided; *and provided, further*, that no such application shall be granted and no such right, privilege or franchise shall be given contrary to the recommendations of the Board of Harbor Commissioners, except the same be granted or given by a vote of three-fourths of all the members of the Council, taken by ayes and noes, and entered upon the minutes of the Council.

Sec. 183. The Board of Harbor Commissioners shall have power, subject to the provisions of this Charter, to lease in the name of the city and for the benefit thereof, for terms not exceeding thirty years, and when authorized by ordinance determining the terms and conditions and limitations of such lease, any portion of any tide lands or submerged lands belonging to or under the control of the City of Los Angeles, whether filled or unfilled, that shall be declared by the Council, by ordinance, or by other legal authority, to be not required for any public pur-

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pose or use, but all such leases shall be subject to such limitations and restrictions as are elsewhere in this Charter provided. No such lease shall be made except after advertisement of notice by said board for not less than ten days in a daily newspaper printed, published and circulated in said city, inviting proposals therefor, stating explicitly the terms and conditions of the proposed lease. The said board shall have, and must reserve, in all cases, the right to reject any and all bids, and shall award such lease to the highest responsible bidder at the highest rent; *provided, however*, that no such lease shall be executed or be valid or binding upon the city unless the same is approved by the Council by ordinance adopted by a two-thirds vote thereof. All such leases shall provide for readjustment of the rental every ten years.

Sec. 183. (a) It shall be unlawful to grant, sell, convey, alienate, transfer or otherwise dispose of, except as hereinafter provided, any part of, or any interest in, the water front, tide lands, submerged lands, or appurtenances thereunto belonging, owned, possessed, controlled or held by the City of Los Angeles; *provided*, that grants of such lands may be made to the State of California or to the United States for public purposes, when authorized by a majority of the qualified voters of the city, voting upon the question of authorizing any such grant at an election; *and provided, further*, that whenever the City of Los Angeles shall have acquired the ownership, title, control and possession of more than ten thousand feet, linear measurement, of water frontage, of Los Angeles harbor, measured along the harbor lines, as now or hereafter established by the United States or the City of Los Angeles, and of the coterminous and adjacent tide and submerged lands upon the water front, as fixed by such harbor lines upon the navigable waters of Los Angeles harbor, but not including water frontage upon any island, or breakwater, nor any water frontage created by the construction of channels by any person, firm or corporation other than the United States, the Board of Harbor Commission-

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ers may grant to any person, firms or corporations franchises, permits, and warehouse or other privileges to use the water frontage in excess of said ten thousand feet, for purposes in aid of navigation, commerce and fishery, together with the adjacent and coterminous tide or submerged lands necessary for such purposes, for periods not exceeding thirty years; *and provided, further*, that whenever it shall be determined by the City of Los Angeles, by ordinance, or by other proper legal authority, that any part of the tide or submerged lands of Los Angeles harbor may not be required for public use, by reason of their remoteness from the harbor lines, as now or hereafter established, or otherwise, the Board of Harbor Commissioners may grant leases of such tide or submerged lands in excess of the tide and submerged lands adjacent and coterminous to the aforesaid ten thousand feet, for periods not exceeding thirty years and for purposes consistent with the trusts upon which said lands are held by the City of Los Angeles and with the requirements of commerce, navigation or fishery at said harbor. Such franchises, leases, privileges and permits shall be granted subject to such terms and conditions as may be prescribed therein, and to the limitations, conditions, restrictions and reservations in this section contained, but no such franchise, lease, privilege or permit shall be valid or binding upon the city until the same is approved by the Council by ordinance.

(b) The Board of Harbor Commissioners shall not grant to any one person, firm or corporation franchises, leases, privileges, permits or licenses to use any such water frontage whatever in excess of three thousand feet, linear measurement, measured along the United States harbor lines, as they are now or may be hereafter established in Los Angeles harbor or other navigable waters within the City of Los Angeles; *provided, however*, that more than three thousand feet of such water frontage, but not exceeding five thousand feet thereof, may be so granted whenever authorized by ordinance adopted or approved by a majority of the qualified electors of the city voting

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upon the question of the adoption or approval of such ordinance at an election.

(c) Of the water frontage of Los Angeles harbor, ten thousand feet thereof, linear measurement, along the United States harbor lines, measured as aforesaid, together with such coterminus and adjacent tide and submerged lands fronting thereon, as may be determined by ordinance, owned or held by the City of Los Angeles, is hereby forever reserved for public purposes by said city, for uses to be improved, constructed, owned, controlled, maintained and operated by said city. The city shall not grant, and shall not have granted at any time, to all persons, firms or corporations to whom such grants may be made, any such franchises, leases, privileges or permits exceeding in the aggregate one-half of the total water frontage owned or held by the city at such time, exclusive of the aforesaid ten thousand feet of such frontage, to-wit, one-half of the water frontage in that portion of Los Angeles harbor northerly of an east and west line passing through a point in the center of the turning basin easterly of Smith's island, also known as Boschke island, and one-half of the water frontage in that portion of Los Angeles harbor southerly of said line; and said one-half of the total water frontage so owned or held by the City of Los Angeles, located as aforesaid in the portions of Los Angeles harbor above described, and in addition to said ten thousand feet of water frontage so reserved, as aforesaid, is also hereby reserved for public purposes by said city, for uses to be improved, constructed, owned, controlled, maintained, and operated by said city; *provided, however*, that the city may make such grants of, in or upon such water frontage owned by the city in excess of one-half thereof, linear measurement, but not exceeding three-fourths thereof, exclusive of said ten thousand feet of such frontage, whenever authorized by ordinance adopted or approved by a majority of the qualified electors of the city voting upon the question of the adoption or approval of such ordinance at an election.

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(d) In any case where a franchise, lease, privilege or permit pertaining to such water frontage or such tide or submerged lands is granted, the same shall be so granted, for a rental or payment to the city to be prescribed therein as hereinafter provided. In case of any such grant, the same shall be made only upon the condition, whether expressed therein or not, that the construction of the wharves, docks, warehouses or other works or structures provided for therein shall, if the same be not already constructed, be commenced within ninety days from the date of such grant, and be prosecuted diligently to completion under such further terms and conditions as may be prescribed therein.

(e) Every such grant shall provide for the payment to the city as compensation therefor of either, any or all of the following: (a) A specified rental; or (b), a percentage of the gross receipts derived from or arising out of the use, operation or possession thereof, or of the lands included therein and improvements, if any, made thereunder; or (c), a percentage of the valuation of such lands and improvements, such payment to be made in such manner at such times and upon such basis or scale, either fixed or variable, as shall be prescribed therein; *provided, however*, that nothing herein contained shall be construed to prevent the city from making such grants to the highest regular responsible bidder after receiving competitive bids therefor.

(f) Every such grant shall provide that in case the same, or any improvements made thereunder, or any part thereof, shall be assigned, transferred or subleased, or the control thereof be given or granted to any person, firm or corporation, so that such person, firm or corporation shall then own, hold or control under any such franchises, leases, privileges or permits more than the length of water frontage permitted or authorized under this section, then such grant, and all rights thereunder, shall thereupon and thereby be absolutely terminated; nor shall any such assignment, transfer, sublease, gift or grant of control be

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valid for any purpose unless first approved by the Board of Harbor Commissioners.

(g) Every such grant shall be subject to such rights of way over tide or submerged lands embraced therein for such public sewers, pipe lines, conduits, or for such public telephone, telegraph, light, heat, or power lines, as may from time to time be determined by the Council; and the same shall also be subject to such rights of way for public streets and other highways, and for such public street or public railroads, or other public means of transportation as shall have been duly established, or as shall be reserved in such grant. No such grant shall ever be made that shall provide for any use of the property or for the construction or placing of any structure, building or other improvement thereon that shall interfere with any plan approved or adopted by the city for harbor improvements or for the development of facilities for commerce or navigation in Los Angeles harbor, or for providing railroad or other terminal facilities at said harbor.

(h) Every such grant shall provide for a readjustment of rental or compensation every ten years during the term thereby created. The procedure for such readjustment shall be specified in such grant, but in no case shall such readjustment decrease the amount of rental or compensation. At the expiration of any such grant the Board of Harbor Commissioners may, upon such terms as it deems advisable, extend the term thereof for a period not to exceed ten years; *provided*, that in making any such extension, no reduction in the rate or amount of rental or compensation fixed for or in effect as to such grant for and during any period next preceding such extension shall be allowed; *and provided, further*, that no such extension shall be effective until approved by the Council by ordinance.

(i) Every such grant shall prescribe that upon the expiration thereof, all wharves, piers, docks, slips, bulkheads, sea walls, and channels constructed or maintained thereunder shall be and become the property of the City of Los Angeles without

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compensation therefor to the grantee or holder thereof, and as to the other permanent structures or improvements constructed or maintained thereunder, shall prescribe whether the same shall become the property of said city without compensation or upon compensation to be paid to such grantee or holder, or shall be removed by such grantee or holder at his own expense.

(j) Upon the forfeiture of any such grant, any and all buildings, structures and improvements of whatsoever character erected, installed or made under, through or because of or pursuant to the terms thereof shall immediately *ipso facto* become the property of the city, and every such grant shall so provide.

The method of procedure for making such grants shall be prescribed by ordinance.

(k) In any case where the city, or its predecessors in interest or authority, shall have granted or issued any lease, franchise or permit or any document purporting to be such, to any person, firm or corporation, the water front tide lands and submerged lands covered thereby shall not be subject to grants under this section, until such lease, franchise or permit shall have been terminated, and until the city shall have regained peaceable possession of such property.

(l) Nothing contained in this section shall be construed to prevent the Board of Harbor Commissioners from granting revocable licenses or permits to use limited portions of the water front, or tide or submerged lands for purposes consistent with commerce, navigation and fishery in Los Angeles harbor, upon such terms and conditions as may be prescribed therein, and in such manner as may be prescribed by ordinance, and no lease, franchise, privilege, permit, or any such revocable license or permit, shall ever be granted, made or issued for any purpose inconsistent with the trusts upon which the water frontage, tide lands and submerged lands mentioned in this section are held by the City of Los Angeles, or inconsistent with the requirements of commerce, navigation and fishery at Los Angeles harbor. The Board of Harbor Commissioners shall make such

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rules and regulations as may be necessary to carry out the provisions of this section. Such rules and regulations shall be approved by the Council by ordinance.

(*m*) That the certain tract in the outer harbor designated as Los Angeles municipal dock number one, and formerly known as the Huntington concession, and all wharves and other improvements thereon or pertaining thereto now or hereafter constructed, shall never be sold, conveyed, alienated, leased or otherwise disposed of in whole or in part, in any manner to any private person, firm or corporation whatsoever, nor shall any lease, franchise, privilege or permit ever be granted to any private person, firm or corporation of, in or to said tract, wharves or other improvements, or any part thereof; but said tract, wharves, and other improvements, and the whole thereof, shall be forever reserved by the City of Los Angeles for public improvements and municipal uses, to be made, constructed, operated and maintained by the City of Los Angeles; *provided*, that the Board of Harbor Commissioners may, under such terms and conditions as may be prescribed by ordinance, grant permits, licenses or concessions to conduct any such occupation or business on said tract as may conduce to the comfort and convenience of the public; *and provided further*, that said board may designate and assign berths or landings for the use of vessels at any wharves on said tract, as well as on other lands and water frontages reserved by the city for public purposes, but any such use may be terminated at any time on such previous notice as may be prescribed by ordinance, and said board may, whenever any railroad tracks are located, or constructed by the city, upon said tract, or upon such other lands or water frontages, contract for or permit the operation of cars thereon under such terms and conditions as may be prescribed by ordinance. —[Amendment, 1913.]

Sec. 184. Each commissioner is hereby authorized and empowered to administer oaths and affirmations in all matters incident or pertaining to the exercise of the duties or powers of the

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said board. Said board is hereby authorized and empowered to require, by subpoena, the attendance and testimony of witnesses, and the production of books, papers and documents, in any investigation, hearing or proceeding conducted by said board, in respect to any matter or thing of which said board has jurisdiction. The subpoenas authorized as aforesaid shall be issued and signed by the president of said board. The Chief of Police is hereby authorized and directed to serve or cause to be served any and all subpoenas that may be issued by said board from time to time. The Council shall, by ordinance, provide suitable penalties for disobedience of such subpoenas, and for the refusal of witnesses to testify before such board, or to otherwise comply with such subpoenas.

Sec. 185. All moneys received or collected from or arising out of the use or operation of wharves, piers, docks, slips, moles, quays, landings, elevators, cranes, derricks, warehouses, marine ways, dry docks, ferries, steamships, vessels and other water craft, tug boats, and all other works, appliances or utilities owned, operated or controlled by the City of Los Angeles in or upon or pertaining to the water front, to Los Angeles harbor or other navigable waters in the said city, all fees for pilotage, and all rents or other charges for rights, privileges or franchises granted for the use of water frontage, tide lands or submerged lands, all rents for leases of such lands, all compensations, except licenses, required to be paid by franchise or otherwise by law or by ordinance to the city for the operation of ferries, wharves and other public service utilities pertaining to said harbor and other navigable waters shall be deposited in the City Treasury to the credit of a fund to be known as the "Harbor Revenue Fund," and shall be kept separate and apart from other moneys of the city. Said Board of Harbor Commissioners shall have power, subject to the provisions of this Charter, to order and contract for the expenditure of all moneys in said fund as hereinafter provided. Moneys shall only be drawn from said fund upon demands authenticated by the signature of the

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president and secretary of the board, or, in the absence of the president, by the signatures of two members and the secretary of the board, except that the City Council, at the time of fixing the general tax levy, may, in its discretion, by ordinance, apportion and set apart, out of the moneys then in said harbor revenue fund, an amount sufficient to meet all sums coming due for interest or principal, or for interest and principal, upon all outstanding harbor improvement bonds, before the time for fixing the next general tax levy, and the City Treasurer shall use the money so apportioned to make such payment, and for no other purpose; and if there shall be a surplus remaining, the same shall forthwith be retransferred into said harbor revenue fund.

Excepting as otherwise provided in this Charter, none of the moneys in said harbor revenue fund, or coming under the control of said Board of Harbor Commissioners, shall be appropriated or used for any purpose or purposes other than the following, to-wit:

First: For the necessary expenses of conducting the Harbor Department, of operating the wharves, piers, docks, slips, quays, moles, landings, warehouses and other utilities, steamships, ferry boats, pilot boats, tug boats, and other vessels and water craft, and other works, appliances and utilities owned, operated or controlled by the city and pertaining to the water front, to Los Angeles harbor and the navigable waters in the city.

Second: For the acquisition, construction and completion of sea walls, embankments, bulkheads, wharves, ferries, docks, slips, quays, moles, landings, warehouses, and other structures, steamships, ferry boats, pilot boats, tug boats and other vessels and water craft, and other appliances and utilities pertaining to the water front, to Los Angeles harbor and other navigable waters in the city, for the dredging, deepening and cleaning of the waters and channels within the limits of the city, and for extraordinary improvements and betterments to the property

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under the management and control of said board, including also the purchase of necessary lands and other property.

Third: The payment, as above provided, of installments of the interest or principal, or of interest and principal, coming due on outstanding harbor improvement bonds.

Sec. 186. It shall be unlawful for any person, firm or corporation to fail, refuse or neglect to comply with any of the provisions of this article, and any person, firm or corporation violating any of the provisions of this article, or refusing to obey or conform to any order of said Board of Harbor Commissioners, or any rule or regulation of the said board, with respect to the operation of any utility mentioned in this article, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred (\$500) dollars, or by imprisonment in the City Jail for a period of not more than six (6) months, or by both such fine and imprisonment, and the provisions of this Charter relative to such punishment shall apply.

ARTICLE XVIII.

[Amendment, 1911.]

DEPARTMENT OF PUBLIC SERVICE.

Sec. 190. The City of Los Angeles shall continue in the ownership and enjoyment of all the rights to the water of the river Los Angeles, heretofore vested in it, its predecessors or predecessor, including the Pueblo of Los Angeles, and is hereby declared to have the full, free and exclusive right to all the water flowing in the said river at any point from its source or sources to the intersection of said river with the southern boundary of said city, and also the ownership of, and the right to develop, economize, control, use and utilize, all waters flowing beneath the surface in the bed of said river at any point or points between the points of termini above named.

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Sec. 191. The said city shall not convey, lease or otherwise dispose of its rights in the waters of said river Los Angeles or any part thereof, or grant or lease to any corporation or person any right or privilege to use, manage or control the said waters, or any part thereof, for any purpose public or private. No other water or water right, now or hereafter owned or controlled by the city, and no right to generate or develop electric or other power by means of any water or water right, now or hereafter owned or controlled by the city, shall ever be sold, transferred, leased or disposed of, in whole or in part, without the assent of two-thirds of the qualified voters of said city voting on the proposition at a general or special election at which such proposition shall be lawfully submitted; and no electric power, now or hereafter owned or controlled by the city, shall ever be sold, transferred, leased, or disposed of, to any person or corporation for resale, rental, disposal, or distribution, to consumers, or other persons, without the assent of two-thirds of the qualified voters of the city given as aforesaid; *provided, however*, that nothing in this section contained shall be construed to prevent the ordinary sale and distribution, by the city, in the manner hereinafter prescribed, of the waters belonging to or controlled by the city, to the inhabitants thereof, or persons doing business therein, for domestic and irrigating uses, and for manufacturing and business purposes, other than water power, or to prevent the ordinary sale and distribution, by the city, in the manner hereinafter prescribed, of the electric power belonging to or controlled by the city, to the inhabitants thereof, and persons doing business herein, for their own use, or to prevent the supplying or distributing, by the city, of any surplus water or surplus power belonging to or controlled by the city, and not required for distribution to consumers within its limits, to municipal corporations, and to consumers and users, outside of the city; *provided, further*, that no water shall ever be supplied or distributed to any person or corporation, other

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than municipal, for resale, rental or disposal to consumers or other persons.

Sec. 192. There is hereby established a department of the government of said city to be known as the "Department of Public Service," which shall be under the management and control of a Board of Public Service Commissioners.

(a) Said board shall consist of five members, who shall be appointed by the Mayor, subject to confirmation by a majority of the Council.

(b) The appointment of said commissioners shall be made without regard to political opinions, but with reference to their fitness for such office.

(c) The term of office of the Public Service Commissioners shall be four years; *provided, however*, that, upon the taking effect of this article, the Water Commissioners of said city then in office shall be and become the Public Service Commissioners of the city, and shall continue in office as such commissioners until the expiration of the terms for which they were appointed, respectively, and until their successors are appointed and qualify; *provided, further*, that the term of office of each of said Water Commissioners shall expire on the first Monday in January of the fourth calendar year immediately following his appointment.

The Mayor shall, subject to confirmation by the Council, fill all vacancies by appointment for the unexpired term.

(d) The commissioners shall organize by electing one of their members president, who shall hold his office for one year and until his successor is elected, and they may appoint a secretary, who is not a member of the board, and fix his compensation.

(e) The president of the Board of Public Service Commissioners shall be the executive officer of the department, and shall perform such duties as the board may prescribe. He shall devote so much of his time to the duties of his office as may be necessary for the proper supervision and direction of the busi-

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ness of the department. The secretary of the board shall keep a record of the proceedings of the board, and may certify such proceedings under his hand, to be authenticated by seal, if a seal be adopted and provided by the board for that purpose, and shall perform such other duties as the board may prescribe.

(f) The board shall maintain an office, and prescribe office hours for the convenience of the public. The board shall hold a regular stated meeting once in each week. The members of the board shall serve without compensation, except that the president of the board shall receive a salary of \$3000 per annum, payable in equal monthly installments.

(g) The Board of Public Service Commissioners shall have power:

To manage and control all waters, water rights, water bearing lands, water works, reservoirs, zanjas, ditches, and all electric plans, works, systems and equipments, and all electric power, belonging to the city.

To construct, operate, maintain and extend water works, dams, reservoirs, zanjas, ditches, canals, conduits, aqueducts and other means for supplying the city and its inhabitants with water; also electric plants, works, systems and equipments, and other means for supplying the city and its inhabitants with electricity for light, power, heat and other purposes; and to acquire and take, by purchase, lease, condemnation or otherwise, and, in its own name, to hold, as special trustee for the city, any and all property situated within or without the limits of the city, that may be necessary or convenient for such construction, operation, maintenance or extension.

To supply and distribute any surplus water or surplus electric power, belonging to or controlled by the city, and not required for use within its limits, to consumers outside of the city, for their own use, and to municipal corporations, outside of the city, for municipal uses, or for resale, disposal or distribution, by such municipal corporations, to consumers within their limits, respectively; such surplus water and electric power

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to be so supplied and distributed, for use outside of the city, under schedules of rates, fixed as hereinafter provided, which shall be of uniform operation, as near as may be, and shall be fair and reasonable, taking into consideration, among other things, the nature of the use, the quantity supplied, and the value of the service; *provided, however*, that water or electric power shall not be supplied by the city at less rates outside of the city than inside thereof, for the same or similar uses; *provided, further*, that the supplying or distribution of water or power, for use outside of the city, as aforesaid, shall, in every case, be subject to the paramount right of the City of Los Angeles, at any time, to discontinue the same, in whole or in part, and to take and hold, or to distribute, such water and power, or either thereof, for the use of the city and its inhabitants; *and provided, further*, that contracts for supplying surplus water or surplus electric power by the city to municipal corporations outside of the city may be made by the board, in the name of the city, for periods not exceeding fifteen years, and upon such terms and conditions, and for such compensation to the city, as shall be prescribed by resolution adopted by said board and approved by a vote of two-thirds of the members of the whole Council; but every such contract must, before the making or execution thereof, be assented to by a majority of the qualified electors of said city voting upon the proposition at a general or special election at which such proposition shall be lawfully submitted; and in every such contract with a municipal corporation, as aforesaid, the right shall be reserved to the city to terminate the same upon three years' written notice to such municipal corporation, to be given by said board whenever it shall be determined and declared by resolution, adopted by said board, and approved by an ordinance of said city, that the water and electric power, or either, to be supplied under such contract, is required for the City of Los Angeles and its inhabitants.

To regulate and control the use, sale and distribution of water and electricity belonging to the city, the collection of

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water and electric power and light rates, and the granting of permits for connections with said water works, zanjas, ditches, electric works or electric systems, and to fix the rates to be charged for such connections; and, subject to the approval of the City Council, by ordinance, to fix the rates to be charged for water, electric power and electric light, whether within or without the city limits, and to prescribe the time and manner of payment of the same. Such rates shall be so fixed at least every two years; *provided* that, except as hereinafter otherwise prescribed, the rates to be charged by the city for water or electric power, supplied by it for use within its limits, shall be of uniform operation, as near as may be, and shall be fair and reasonable, taking into consideration, among other things, the nature of the use, the quantity supplied and the value of the service.

To appoint, employ, and, for good cause, remove, a chief engineer of water works, who shall be the successor in office of the superintendent of water works, an electrical engineer, and such assistants, employees and laborers as the board may deem necessary; to fix their compensations, prescribe their duties, and to require of any or all of them adequate bonds for the faithful performance of such duties.

To sue and be sued, and to require the services of the City Attorney, free of charge, in all cases to which the board is a party.

To control and order the expenditure of all moneys received from the sale or use of water, or from any other source in connection with the operation and management of the water works of said city; *provided*, that all such moneys shall be deposited in the treasury of the city to the credit of a fund to be known as the "Water Revenue Fund," and shall be kept separate and apart from other moneys of the city, and shall only be drawn from said fund upon demands authenticated by the signatures of the president and secretary of the board, or, in the absence of the president, by the signatures of two mem-

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bers and the secretary of the board, except that the City Council, at the time of fixing the general tax levy, may, in its discretion, by ordinance, apportion and set apart, out of the moneys then in said water revenue fund, and not appropriated to other purposes, or required to meet outstanding obligations and liabilities payable out of such fund, an amount sufficient to meet all sums coming due for interest or principal, or for interest and principal, upon all outstanding water works bonds, before the time for fixing the next general tax levy, and the City Treasurer shall use the money so apportioned to make such payment, and for no other purpose; and if there shall be a surplus remaining, the same shall forthwith be retransferred into said water revenue fund.

(h) None of the money in said water revenue fund or coming under the control of said board, in connection with the operation and management of the water works of said city, shall be appropriated or used for any purpose or purposes other than the following, to-wit:

First: For the necessary expenses of conducting the business of said department pertaining to water, of operating and maintaining the water works, and of making all current and ordinary extensions, betterments and repairs.

Second: For extraordinary improvements of and betterments to the property, works, and systems of supply and distribution of the department of public service pertaining to water, including the purchase of necessary lands, water rights and other property.

Third: The payment, as above provided, of the installments of interest or principal, or of interest and principal coming due upon outstanding water works bonds.

Provided, however, that said board may, in its discretion, with the approval of the Council given as aforesaid, so fix the water rates as to produce a revenue sufficient only for the purpose of defraying the necessary expenses of conducting the business of said department pertaining to water, of operating

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the water works, and of making all current and ordinary extensions, betterments and repairs, and for no other purpose.

To control and order the expenditure of all moneys received from the sale or use of electric power, or otherwise in connection with the operation and management of the electric power works and systems of said city; *provided*, that all such moneys shall be deposited in the treasury of the city, to the credit of a fund to be known as the "Power Revenue Fund," and shall be kept separate and apart from the other moneys of the city, and shall only be drawn from said fund upon demands authenticated by the signatures of the president and secretary of the board, or, in the absence of the president, by signatures of two members and the secretary of the board, except that the City Council, at the time of fixing the general tax levy, may, in its discretion, by ordinance, apportion and set apart, out of the moneys then in said power revenue fund, and not appropriated to other purposes or required to meet outstanding obligations or liabilities payable out of such fund, an amount sufficient to meet all sums coming due for interest or principal, or for interest and principal, upon all outstanding electric plant bonds, before the time for fixing the next general tax levy, and the City Treasurer shall use the money so apportioned to make such payment, and for no other purpose; and if there shall be a surplus remaining, the same shall forthwith be retransferred into said power revenue fund.

Except as in this Charter otherwise provided, none of the money in said power revenue fund, or coming under the control of said board, in connection with the operation of the electric power plants, works or systems of the city, shall be appropriated or used for any purpose or purposes other than the following, to-wit:

First: For the necessary expenses of conducting, operating and maintaining and extending the business of said department pertaining to electric power, of the electric power works, plants, systems and equipments, and of making all cur-

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rent and ordinary extensions, betterments and repairs.

Second: For extraordinary improvements of and betterments to the property, works and systems of said department pertaining to electric power, including the purchase of necessary lands, and other property.

Third: The payment, as above provided, of installments of interest or principal, or of interest and principal, coming due upon outstanding electric plant bonds.

Fourth: For the necessary expenses of acquiring, by purchase, condemnation, or otherwise, or leasing electric power plants, works or systems; *provided*, that such expenditures shall first be approved by ordinance passed by a vote of two-thirds of the members of the whole Council.

Provided, however, that said board may, in its discretion, with the approval of the Council given as aforesaid, so fix the rates for electric power and light as to produce a revenue sufficient only for the purpose of defraying the necessary expenses of conducting the business of said department pertaining to electric power, of operating and maintaining power works, plants, systems and equipments, and of making all current and ordinary extensions, betterments and repairs thereof, and for no other purpose.

(i) The said board shall also have power, by a resolution adopted by a majority of all of its members, and recorded in the minutes with the ayes and noes at length, to make and enforce all such reasonable by-laws, rules and regulations as may be necessary for its government, for the administration of the Public Service Department, and for the exercise of the powers conferred by this article; *provided*, that no such rule, by-law, or other act of the board fixing water or electric power or light rates, or prescribing the time or manner of payment thereof, shall be effective until the same shall be approved by the City Council, and thereafter published for at least three days in a daily newspaper printed and published in the City of Los Angeles.

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(j) Three members of the Board of Public Service Commissioners shall constitute a quorum for the transaction of business; but no contract shall be made, no bill audited, nor any act done involving the expenditure of money, or the incurring of a debt, unless three members of the board vote in favor thereof.

The board shall not make any contract or expenditure for supplies, goods, materials, machinery, or merchandise, involving the sum of more than five hundred dollars, unless it shall first have caused a notice to be published in a daily newspaper, printed and published one or more times in the City of Los Angeles, inviting proposals to furnish the same. And the regular contract therefor shall be let to the lowest regular, responsible bidder who shall furnish security for its performance satisfactory to the board; *provided*, that the board may reject any and all bids.

(k) The Board of Public Service Commissioners shall present to the Council, at its meeting in the first week of August in each year, a report for the year ending on the thirtieth day of June, next preceding, which shall show the amount of money received from all sources, the purposes for which such money has been expended, the amounts so expended, and the balance on hand; also the nature and condition of the property held by the board, with such information and suggestions as it may deem of general interest; and the board shall also, on or before the tenth day of each month, make out and present to the City Council a similar statement of all receipts and expenditures during the preceding calendar month.

(1) The Council shall cause to be conveyed to said board, as special trustee for the city, all property, real and personal, belonging to the city (except the water and water rights mentioned in Section 190 of this Charter), that is now or may hereafter be used, required, or convenient in the operation, maintenance, or extension of a system of water works for supplying the inhabitants of the City of Los Angeles with water, and in

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protecting the sources of such water supply from diversion or pollution, or in the operation, maintenance or extension of plants, works and systems for supplying the inhabitants of said city with electricity.

(m) The board may lease for terms not exceeding five years, any or all of the lands by this article placed under its control for agricultural or other purposes, which shall not conflict with the beneficial use of said lands by the city for the purposes for which they are held by said board; and the board may, except as otherwise provided in this Charter, sell, from time to time, such personal property, placed under its control, as shall not be longer necessary or suitable for the use of the Public Service Department. No real property nor any rights or interest in real property held by said board shall be sold, leased or otherwise disposed of, or in any manner withdrawn from its control, save as above provided, unless by a written instrument duly authorized by ordinance of the city, and a resolution of the board and duly executed by the city and the board; *provided*, that none of the waters, water rights, electric power, or rights to generate electric or other power, by this article placed under the control of said board, shall be conveyed, leased or otherwise disposed of, except as provided in Section 191 of this Charter.

Sec. 193. There is hereby created in the Department of Public Service a bureau to be known as the Bureau of Water Works and Supply. Said bureau shall have charge and supervision, through the chief engineer, but under the direction and control of the Public Service Commission, of the water, water rights, water works and systems of the city, and of the distribution of water belonging to the city.

Sec. 193-a. There is hereby created in the Department of Public Service a bureau to be known as the Bureau of Power and Light. Said bureau shall have charge and supervision, through the electrical engineer, but under the direction and control of the Public Service Commission, of the power and lighting

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systems, works, lines and equipments of the city, and of the distribution of electricity for light, power and other purposes belonging to the city.

Sec. 193-b. All water mains hereafter laid in said city by any private person, company, or corporation, shall be of such material and of such capacity as shall be prescribed by ordinance; *provided*, that no such main shall hereafter be laid in said city of less dimensions than four inches in diameter.

Sec. 193-c. The rates of compensation for use of water to be collected in said city, by any person, company, or corporation, other than the Board of Public Service Commissioners, shall be fixed annually by ordinance, and shall continue in force for one year and no longer. Such ordinance shall be passed in the month of February of each year, and take effect on the first day of July thereafter. Should the Council fail to pass the necessary ordinances, fixing the water rates within the time hereinbefore prescribed, it shall be subject to peremptory process to compel action at the suit of any party interested.

ARTICLE XIX.

[Amendment, 1911.]

ELECTIONS.

Sec. 194. Elections to be held in said city for the purpose of electing the officers of said city and for all other purposes, are of three kinds:

- (1) Primary Nominating Elections.
- (2) General Municipal Elections.
- (3) Special Elections.

Sec. 195. General municipal elections shall be held in said city on the first Tuesday in June of every odd numbered year, commencing with the year 1913. At the general municipal election in 1913 all the elective officers of said city provided for by this Charter shall be elected.—[Amendment, 1913.]

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Sec. 196. The officers elected at a general municipal election shall after they have qualified as provided in this Charter enter upon the discharge of the duties of the offices to which they have been elected, on the first Monday in July next succeeding their election, at 12 o'clock noon, and shall, except as otherwise provided for in this Charter, serve for two years, and until their successors have been elected and qualified; *provided*, that any person elected to fill a vacancy shall, after qualifying as herein provided, enter at once upon the discharge of the duties of the office to which he has been elected, and shall serve for the remainder of the term and until his successor shall have been elected and qualified.—[Amendment, 1913.]

Sec. 197. In the event of a vacancy in the office of member of the Board of Education said board shall fill the same by appointment, and in the event of a vacancy in any other elective office the Council shall fill the same by appointment. In each case the person so appointed shall hold office until the election and qualification of a person to fill the vacancy for the unexpired term, which election shall take place at the next succeeding general municipal election, if any, occurring prior to the expiration of such term; and if no such election shall so occur, then such appointed person shall hold office for the unexpired term.

Sec. 198. The Council shall have power to submit to the electors of said city at any election any proposition or question or ordinance required or authorized to be so submitted by the Constitution of the State of California, the law, this Charter, or by ordinance; *provided*, that in case such proposition or question is required by the said Constitution, law, Charter or ordinance to be submitted at a special or other particular kind of election, it shall be so submitted, and not otherwise.

THE INITIATIVE.

Sec. 198-a. Any proposed ordinance which the Council itself might adopt, may be submitted to the Council by a petition

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filed with the City Clerk, as provided in Section 198-b, praying for the adoption of such ordinance, or, if the same be not adopted, that such ordinance be submitted to a vote of the electors of the city. Any such petition shall be known as an initiative petition. Such petition shall set forth the proposed ordinance in full, and shall be signed by qualified electors of the city equal in number to the percentages hereinafter prescribed. The basis upon which such percentages of qualified electors of the city shall be estimated shall be the total number of votes cast for all candidates for the office of Mayor at the last general municipal election prior to the filing of such petition at which a Mayor was elected.

Sec. 198-b. Any petition submitting a proposed ordinance to the Council, as provided in this article, shall be in form, and shall be signed, filed and certified as follows:

In making such petition sheets of white paper of a uniform size shall be used, which shall be substantially twelve by thirty inches. Such petition shall consist of separate papers, as follows: Each paper shall consist of a sheet or sheets, containing the proposed ordinance, with additional sheet or sheets for the signatures thereto; *provided, however*, that if any paper consist of more than one sheet it shall be and remain securely fastened together at the top. The signatures need not all be appended to one sheet or paper. The proposed ordinance, as set forth in any paper, shall be followed by the signatures. Such petition shall be signed by qualified electors of the city in their own proper persons only, and opposite the signature written by each signer his residence shall be written by him, giving the street and number, when such designation by street and number can be given, or if the signer be unable to write, then such signature and residence shall be written by some person at his request, and the same identified on the margin by the signature of the person making the affidavit hereinafter provided. Each such paper shall have attached thereto at the bottom of the last sheet thereof the affidavit of a qualified elector of the city stating that

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all of the signatures on each sheet thereof were made in his presence, and that all of the sheets constituting such paper were fastened together at the time such signatures were appended thereto; and that to the best of his knowledge and belief each signature is the genuine signature of the person whose name purports to be thereunto subscribed. Each of the other sheets of such paper, containing signatures, shall be identified by the signature of the person making such affidavit.

Within ten days from the date of the filing of such petition, the City Clerk shall examine the same and ascertain whether or not said petition is signed by the requisite number of qualified electors of the city; and if requested by the City Clerk, the Council shall authorize him to employ persons specially for that purpose, in addition to the persons regularly employed in his office, and the provisions of the Charter respecting the classified Civil Service of the city shall not apply to the persons so specially employed. When the City Clerk has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination, and if from such examination he shall find that said petition is signed by the requisite number of qualified electors of the city, or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be. If by the certificate of the City Clerk the petition is found to be insufficient, it may be amended by filing a supplemental petition or petitions within ten days from the date of such certificate. The City Clerk shall, within ten days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided. If his certificate shall show any such petition or any such petition as amended, to be insufficient, it shall be retained by him and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect. But if, by the certificate of the City Clerk, such petition, or such petition as amended, is shown to be sufficient, the City Clerk shall present the same to

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the Council without delay. The sufficiency or insufficiency of such petition shall not be subject to review by the Council.

If any supplemental petition be filed, all the signatures appended to the petition and to the supplemental petition or petitions shall be considered in determining the number of qualified electors signing the initiative petition.

Any signer to a petition or supplemental petition may withdraw his name from the same by filing with the City Clerk a verified revocation of his signature before the filing of the petition, or supplemental petition, with said City Clerk. No signature can be revoked after the petition to which it is attached or supplemental petition has been filed. The City Clerk shall endorse on said petition and on any supplemental petition the name of the person or persons who filed the same, respectively. If any signature to such petition or supplemental petition be called in question, the City Clerk shall forthwith mail notice to such purported signer, stating that his name is attached to such petition or supplemental petition, and cite him to appear before him forthwith to answer whether such signature is genuine. If the City Clerk finds that any signature is not genuine, he shall strike the same from such petition. After an election based on any initiative petition, the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

Sec. 198-c. If the petition praying for the adoption by the Council of any proposed ordinance, or if the same be not adopted, for the submission of such ordinance to a vote of the electors of the city, be signed by fifteen per centum of the qualified electors of said city estimated upon the basis aforesaid, then the Council shall either:

(a) Pass said ordinance, without alteration, within twenty days after the presentation of such petition to the Council by the Clerk; and if the Council shall fail to pass said ordinance within said time, or if the same shall be passed by the Council, but shall be vetoed by the Mayor, and on reconsideration by the

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Council, said ordinance shall fail of passage over the Mayor's veto, the Council shall thereupon, within ten days after it shall have so failed of passage, call a special election, at which said proposed ordinance, without alteration, shall be submitted to a vote of the qualified electors of said city; such election shall be held not more than fifty days from the date of the meeting of the Council at which said ordinance so failed of passage; *provided, however*, that if a general or special municipal election for any other purpose shall be called and held in said city within said fifty days, then such ordinance shall be submitted at said election; or,

(b) Forthwith after the presentation of such petition to the Council, it shall call a special election for the purpose of submitting said ordinance to a vote of the electors of the city, and such election shall be held not more than fifty days from the date of the presentation of such petition to the Council by the City Clerk; *provided, however*, that if a general or special municipal election for any other purpose shall be called and held in said city within said fifty days, then such ordinance shall be submitted at such election.

Any ordinance proposed by initiative petition and passed by the Council and approved by the Mayor, or passed by the Council and passed over the Mayor's veto, shall be subject to the referendum by petition as herein provided in the case of other ordinances.

If the said petition be signed by at least five per centum but less than fifteen per centum of the qualified electors of said city, estimated upon the basis aforesaid, then such ordinance, without alteration, shall be submitted by the Council to a vote of the electors of the city at the next general municipal election or at any special election prior thereto, that shall be held at any time after twenty days from the date of the presentation of said petition to the Council.

In the event that said petition prays for the adoption of a proposed ordinance amending or repealing an ordinance there-

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tofore proposed by petition and adopted by a vote of the electors, and is signed by qualified electors of said city equal in number to fifteen per centum of the qualified voters of said city estimated on the basis aforesaid, then, but not otherwise, the Council must submit such proposed ordinance to a vote of the electors of the city at the next general municipal election or at any special election prior thereto, that shall be held at any time after twenty days from the date of the presentation of such petition to the Council.

Sec. 198-d. Any person or persons filing an initiative petition, or the person or organization on whose behalf such petition is filed, shall have the right to file with the City Clerk, at least twenty days prior to the election at which the ordinance proposed by such petition is to be submitted to a vote of the electors of the city, printed copies of an argument favoring said proposed ordinance, and the Council shall have the right to present, or permit to be presented and filed with the City Clerk within the same limit of time, printed copies of an argument opposing said ordinance. No such argument shall exceed two thousand words in length, and such argument shall be printed in such form and upon such character of paper, suitable for mailing, as the City Clerk shall prescribe. The City Clerk shall enclose one copy of each such argument with the sample ballot and a copy of the proposed ordinance mailed to each voter, provided he has been furnished with printed copies of such argument equal in number to five per centum in excess of the total number of qualified electors of the city. Nothing in this section contained shall authorize the Council to expend money of the city for the formulating or printing of any such argument.

Sec. 198-e. If a majority of the qualified electors voting on any ordinance proposed by petition shall vote in favor thereof, such ordinance shall become an ordinance of the city upon the declaration by the Council of the result of the election at which such proposed ordinance was submitted; and any such

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ordinance adopted by a vote of the qualified electors of the city voting thereon, cannot be repealed or amended except by an ordinance proposed by petition and adopted by vote of the electors, as hereinbefore provided, or by an ordinance submitted by the Council to a vote of the electors of the city and so adopted as hereinbefore provided or by any amendment to this Charter repealing the same.

THE REFERENDUM.

Sec. 198-f. The Council shall have power and is hereby authorized to submit to a vote of the qualified electors of the city, at any general or special election, any proposed ordinance, order or resolution that the Council itself might adopt. If a majority of the qualified electors voting on such proposed ordinance, order or resolution vote in favor of the same, it shall be deemed to be adopted and shall take effect upon the declaration of the result of such election by the Council, and it shall have the same force and effect as an ordinance adopted under the provisions of this article relating to the referendum.

Sec. 198-g. No ordinance passed by the Council shall go into effect until the expiration of thirty days from its publication, except an ordinance ordering or otherwise relating to an election, and an ordinance establishing or changing the name or curb lines of, or respecting the establishment or change of grade of, or the improvement, in any manner of, or the opening, widening, straightening or extension of, streets, boulevards, alleys, courts or other public places, and an ordinance respecting the construction of sewers or storm drains, or respecting the bringing or conduct of suits or actions or the levying or collection of local assessments upon private property, for any of said purposes, or respecting the condemnation of lands for parks, boulevards or playgrounds under laws or ordinances providing for the payment of the expense thereof by local assessments upon private property, and any ordinance authorized or required by the laws of this state, or by or under the provisions of this

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Charter, respecting the improvement of streets or other public places, and an ordinance required for the immediate preservation of the public peace, health or safety, which shall contain a specific statement showing its urgency, and is passed by a three-fourths vote of the Council; but all ordinances of any of the classes heretofore excepted by this section shall take effect upon their publication. No grant of any franchise, right or privilege shall ever be construed to be an urgency measure, but all grants of franchises, rights or privileges shall be subject to a referendary vote as hereinafter provided. No ordinance, order or resolution passed by the Council making or authorizing any contract shall go into effect until the expiration of thirty days from the publication of such ordinance, or the adoption of such order or resolution, except contracts for street or other public improvements, the cost and expenses whereof are to be paid by local assessments, and contracts that require the payment by the city of less than twenty-five thousand dollars, and except any ordinance, order or resolution of the Council authorizing the sale or issuance of bonds of the city.

Sec. 198-h. At any time within the thirty days mentioned in the preceding section, a petition addressed to the Council, and signed by qualified electors of said city equal in number to at least ten per cent of such qualified electors computed upon the basis for estimating percentages specified in Section 198-a hereof, may be filed with the City Clerk, demanding the submission of any ordinance, order or resolution passed by the Council to a vote of the qualified electors of said city, except any ordinance, order or resolution which shall take effect as provided in the preceding section. Any such petition shall be known as a referendary petition, and shall contain the ordinance, order or resolution in full, the submission of which to a vote is thereby demanded. Such vote shall be known as a referendary vote.

The provisions of this Charter, relating to the form and to the mode of signing initiative petitions, and to the filing, examination, certification and amendment of the same, and to the

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presentation thereof to the Council by the City Clerk, shall apply to referendary petitions filed under this Charter.

If any referendary petition or petitions be filed, as hereinbefore provided, and the City Clerk shall be unable to make his certificate to the sufficiency or insufficiency thereof within thirty days after the publication of the ordinance, or the adoption of the order or resolution, the submission of which to a referendary vote is thereby demanded, such ordinance, order or resolution shall be suspended from taking effect after the expiration of said thirty days and until the date of the certificate of the City Clerk to the sufficiency or insufficiency of such petition or petitions. If by the certificate of the City Clerk such petition or petitions are certified to be sufficient, such ordinance, order or resolution shall not go into effect until it shall be adopted by vote of the electors of the city, as hereinafter provided; but if by such certificate, such petition or petitions are certified to be insufficient, such ordinance, order or resolution shall go into effect upon the date of such certificate; *provided, however*, that no such ordinance, order or resolution shall take effect until the expiration of said thirty days. No referendary petition shall be amended by a supplemental petition filed after the expiration of said thirty days. In case more than one referendary petition be filed, all such petitions shall be considered in determining the number of qualified electors, and with the same force and effect as though all the names had been appended to one petition.

Sec. 198-i. Upon the presentation to the Council by the City Clerk of a referendary petition or petitions, the ordinance, order or resolution, the submission of which to a referendary vote is thereby demanded, must be either repealed by the Council without delay, or submitted to a vote of the qualified electors of the city for approval or rejection at the next general municipal election occurring subsequent to forty days from the date of the presentation of such referendary petition to the Council by the City Clerk; *provided*, that if before such general election, and subsequent to said forty days, a special election shall be held for

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any other purpose, then such ordinance, order or resolution shall be so submitted at such special election, or, in the discretion of the Council, at any special election called for that purpose; *provided, however*, that if any referendary petition or petitions shall be signed by fifteen per centum of the qualified electors of said city computed upon the basis for estimating the percentage of such electors set forth in Section 198-a of this Charter, the Council must, upon the presentation thereof to it, immediately call a special election, at which the ordinance, order or resolution contained in such petition shall be submitted to a referendary vote; and such election shall be held within forty days from the presentation to the Council of such petition.

If any referendary petition or petitions presented to the Council as aforesaid be certified by the Clerk to be signed by at least ten percentum but less than fifteen percentum of the qualified electors of the said city, computed upon the basis aforesaid, then and in that event additional referendary petitions for the submission of such ordinance, order or resolution to a referendary vote may be filed; all such additional referendary petitions shall be in the same form, and be signed, examined, amended, and certified and presented to the Council in like manner as provided in Section 198-b of this Charter; and if it shall appear from the certificate of the City Clerk thereto that such additional referendary petition or petitions are signed by such number of qualified electors of the city as, when added to the number of qualified electors whose signatures are appended to such referendary petition or petitions examined and certified by the City Clerk, shall equal fifteen per centum of the qualified electors of said city, computed upon the basis aforesaid, the Council must, upon the presentation of such additional referendary petition or petitions to it by the City Clerk, immediately call a special election at which such ordinance, order or resolution shall be submitted to a referendary vote, and such election shall be held within forty days from the presentation of such additional referendary petition or petitions to the Council.

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If, upon the presentation by the City Clerk to the Council of a referendary petition signed by at least ten per centum, but less than fifteen per centum, of the qualified electors of the city, computed as aforesaid, the Council shall have ordered the ordinance set forth in such petition submitted to a vote of the electors of the city at the next general municipal election, such action shall be annulled by the presentation to it of additional petitions, which, together with such referendary petition, shall be signed by at least fifteen per centum of the qualified electors of the city, and in such event the Council shall submit such ordinance to such vote at a special election, as hereinbefore provided.

Sec. 198-j. No ordinance, order or resolution that has been submitted to a referendary vote shall go into effect unless a majority of the qualified electors voting thereon shall vote in favor thereof; and if such ordinance, order or resolution so submitted shall receive the votes of a majority of such qualified electors voting thereon, it shall be deemed to be adopted, and shall take effect upon the declaration by the Council of the result of the election at which it shall have been so submitted; *provided, however*, that any ordinance, order or resolution so adopted shall be subject to amendment or repeal by the Council at any time, but such amendment or repeal shall not be made within six months after such adoption, except by unanimous vote of the Council, and such amendment or repeal shall be subject to a referendary vote as provided in this article.

Sec. 198-k. Whenever any ordinance proposed by initiative petition, or any ordinance, order or resolution for the submission of which to a referendary vote a petition or petitions shall have been filed, is submitted at any election, there shall be printed on the ballots to be used at such election the words, "Shall the ordinance (or order, or resolution, or proposed ordinance, as the case may be, stating the nature of the ordinance, order or resolution, or of the proposed ordinance) be adopted?" And opposite such proposition to be voted on, and to the right thereof,

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the words "Yes" and "No" shall be printed, on separate lines, with voting squares. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes," his vote shall be counted in favor of the adoption of the ordinance, order or resolution, or the proposed ordinance; and if he shall stamp a cross (X) in the voting square after the printed word "No," his vote shall be counted against the adoption of the same.

Sec. 198-l. Any number of ordinances proposed by initiative petitions, or ordinances, orders or resolutions submitted by the Council to a referendary vote, or so submitted in pursuance of referendary petitions, may be voted upon at the same election, either general or special; *provided*, that there shall not be held in any period of six months more than one election called for the purpose of submitting an ordinance or ordinances proposed by initiative petitions, but if any election be called for any other purpose within such period, such ordinance or ordinances may also be submitted thereat. If the provisions of two or more ordinances, orders or resolutions adopted at the same election by vote of the qualified electors of said city, under the provisions of this article, conflict, then the ordinance, order or resolution receiving the highest affirmative vote shall prevail.

Sec. 198-m. The Council, at its own instance, or upon the presentation to it of an initiative petition, may submit any proposed ordinance for the repeal of any ordinance adopted or approved by vote of the qualified electors of the city, in pursuance of an initiative or referendary petition, as in this article provided, or for the amendment of such ordinance, to be voted upon at any succeeding general municipal election; and in the event that such proposed ordinance, so submitted by the Council, receive a majority of the votes cast thereon at such election, the ordinance to which such ordinance so adopted is amendatory, or that is to be repealed thereby, shall be amended or repealed accordingly.

Sec. 198-n. Whenever any ordinance, order, resolution or proposition is required by this article to be submitted to the

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electors of the city at any election, the City Clerk shall cause the same to be printed, and he shall enclose a printed copy thereof in an envelope with a sample ballot, and mail the same to each voter.

Sec. 198-o. If any ordinance, order or resolution be submitted to the vote of the electors in pursuance of a referendary petition, the person filing such petition, or the person or organization on whose behalf said petition was filed, shall have the right to present to the City Clerk, at least twenty days prior to such election, printed copies of an argument opposing such ordinance, order or resolution, and the Council shall have the right to present or permit to be presented to the City Clerk, within the same limit of time, printed copies of an argument favoring such ordinance, order or resolution. No such argument shall exceed two thousand words in length; and such argument shall be printed in such form and upon such character of paper suitable for mailing as the City Clerk shall prescribe. The City Clerk shall enclose one copy of each of such arguments with the sample ballot, and a copy of the ordinance, order or resolution, mailed to each voter, provided he has been furnished with printed copies of such arguments equal to five per centum in excess of the total number of qualified electors of the city. Nothing in this section contained shall authorize the Council to expend any money of the city for the formulating or printing of any such argument.

THE RECALL.

Sec. 198-p. Any incumbent of an elective office, whether elected by vote of the people or appointed to fill a vacancy, may be removed from office by the qualified electors of the city of Los Angeles, as hereinafter provided. Such removal of the incumbent of an office shall be known as the recall, and the procedure to effect the removal of an incumbent of an elective office shall be as hereinafter provided.

(1) A petition signed by qualified electors equal in num-

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ber to at least twenty per centum of the entire vote cast for all candidates for the office, the incumbent of which is sought to be removed, at the last preceding general municipal election at which an incumbent of such office was elected, demanding the submission to the electors of the city of the question whether the incumbent of such office shall be removed by vote of such electors, and if so removed, the election of a successor of such incumbent, shall be addressed to the Council and filed with the City Clerk. Such petition shall contain a general statement of the grounds for which such removal is sought, of not more than three hundred words in length, and the sufficiency of such statement shall not be subject to review; *provided, however*, that no petition for the removal of any elective officer shall be so filed until he has actually held his office for three months.

(2) The provisions of this article relating to the form and to the mode of signing of initiative petitions, and to the filing, examination, certification and amendment thereof, and to the presentation of the same to the Council, shall apply to any petition filed with the City Clerk under this section, which petition shall be designated as a recall petition. The sufficiency or insufficiency of any recall petition shall not be subject to review by the Council.

(3) Upon the presentation of such recall petition to the Council by the Clerk, the Council shall thereupon, by ordinance, order the holding of a special election for the purpose of submitting to the electors of the city the question whether such officer shall be recalled, and if recalled, for the election of his successor. Such special election shall be held not less than fifty days nor more than sixty days after the date of the certificate of the City Clerk to the sufficiency of such recall petition; *provided, however*, that if a general municipal election, or any special municipal election, is to occur within sixty days after the date of such certificate, the Council may, in its discretion, order the holding of such recall election, and the consolidation thereof with such general or special election.

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Sec. 198-q. The ballots used at every recall election shall have printed thereon, as to every officer whose recall is to be voted on thereat, the following question:

"Shall (inserting name of officer sought to be removed) be removed from the office of (inserting name of his office) by the recall?"

And opposite such question to be voted on, and to the right thereof, the words "Yes" and "No" shall be printed on separate lines, with voting squares. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes," his vote shall be counted in favor of the recall of such officer, and if he shall stamp a cross (X) in the voting square after the word "No," his vote shall be counted against such recall.

On such ballots, under each such question, there shall also be printed the names of all persons who have been nominated as candidates to succeed the person whose removal is sought, in case he shall be removed from office by vote of the electors. The nomination of such candidates shall be made as hereinafter provided, except that the person whose removal is sought shall be deemed a candidate, and unless, within five days after the date of the Clerk's certificate to the petition, he resigns his office, or declines in writing duly signed and verified by him, and filed with the City Clerk, to be a candidate, his name shall be printed on the ballot the same as if he had been regularly nominated in accordance with the provisions of this article.

Sec. 198-r. Any incumbent of an office whose removal is sought under the provisions of this article, may file with the City Clerk, at least twenty days prior to such recall election, printed copies of a statement of not more than two thousand words in length, justifying his course in office; and the person filing such recall petition, or the person or organization on whose behalf a recall petition was filed, shall have the right to present to the City Clerk, within the same limit of time, printed copies of a statement in support of such recall of not exceeding two thousand words in length. Any statement filed under this section

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shall be printed in such form and upon such character of paper suitable for mailing as the City Clerk shall prescribe. The City Clerk shall enclose one copy of any such statement so filed with him with the sample ballot mailed to each voter, provided he has been furnished with printed copies of such statement equal to five per centum in excess of the total number of qualified electors of the city.

Sec. 198-s. Any elective officer for whose recall and removal from office an election is held, shall continue to perform the duties of his office until such time as the Council having canvassed the vote at such recall election, shall declare that a majority of the electors voting on the question as to whether such person shall be recalled and removed from office, have voted in favor of his recall and removal from office. But if such person shall resign at any time after the date of the certificate of the Clerk certifying that the petition for his recall is sufficient and prior to the declaration of the result of such election, thereby creating a vacancy in such office, or a vacancy occurs therein during such time from any cause, such vacancy may be filled by the Council in the same manner as other vacancies occurring in such office, but in that event the person appointed to fill such vacancy shall hold his office only until the person declared by the Council to have been elected at the recall election shall qualify. Proceedings for the recall of any elective officer shall be deemed to be pending from the date of the certificate of the City Clerk certifying that the recall petition is sufficient, and if he shall resign at any time subsequent thereto the recall election shall be held notwithstanding such resignation.

In the event that a majority of the electors voting on the question as to whether a person shall be recalled and removed from office shall vote in favor of the removal of such person from office by the recall, the person for whose removal from office such majority has voted shall be deemed to be and shall be recalled and removed from office upon the declaration of the result of such election by the Council, and the candidate re-

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ceiving at said election the highest number of votes for that office shall be thereby elected. If the incumbent receive the highest number of votes, he shall continue in office, but if some person other than the incumbent receive the highest number of votes at such election he shall become the successor of the incumbent so removed and shall hold office only during the unexpired term of such officer.

Sec. 198-t. No person who has been removed from an elective office by the recall, or who has resigned from such office while recall proceedings for his removal were pending against him, shall be appointed to any office under this Charter within two years after such removal or resignation.

Sec. 198-u. Any candidate to be voted for at a recall election, other than the incumbent sought to be removed, may be nominated by petition, which shall be substantially in the form prescribed in sections 206-c and 206-d of this Charter. Any such petition or petitions shall be signed by qualified electors of said city equal in number to at least one per cent of the total number of votes cast for the office of Mayor at the last general municipal election in said city at which a Mayor was elected. Each petition must be presented to the City Clerk not less than twenty-five days before such recall election. Immediately upon the presentation of any such petition the City Clerk shall ascertain and determine, in the manner hereinbefore provided as to initiative petitions, whether or not such petition is signed by the requisite number of qualified electors of the city. If requested by the City Clerk, the Council shall allow him additional assistants for that purpose, as in other cases, and he shall, within five days after the presentation thereof, attach his certificate to such petition, showing the result of his examination. If it shall appear therefrom that any such petition is not signed by the requisite number of qualified electors, the same may be amended within three days from the date of such certificate, by presenting a supplemental petition. The Clerk shall, within three days after such supplemental petition is filed, make

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like examination thereof, and shall certify the result of his examination thereof; but no further supplemental petition shall be allowed. If any such petition, as amended by a supplemental petition, be signed by the requisite number of qualified electors, both the petition and supplemental petition being considered together for that purpose, the person therein named shall be deemed to be nominated as a candidate to be voted for at such recall election.

Sec. 198-v. The provisions of sections 206-h, 206-i and 206-j of this Charter shall be applicable to recall elections held under this article.

Sec. 198-w. The incumbent of any appointive office provided for in this Charter, or created by ordinance under the authority thereof, may be removed at any time after the expiration of three months from his appointment, by the qualified electors of the city. The procedure to effect the removal of the incumbent of an appointive office shall be the same as that hereinbefore provided for the removal of the incumbent of an elective office by the recall, with the following exceptions:

(a) The petition for the removal of the incumbent of an appointive office shall be signed by qualified electors equal in number to at least twenty per centum of the entire vote cast for the office of Mayor at the last preceding general municipal election at which a Mayor was elected, and shall contain a demand for the submission to the electors of the city of the question whether the incumbent of such appointive office shall be removed by vote of such electors.—[Amendment, 1913.]

(b) The ballots used at the election at which such question shall be submitted shall have printed thereon, as to every appointive officer whose removal is to be voted on thereat, the following question:

“Shall (inserting name of officer sought to be removed) be removed from the office of (inserting name of his office)?”

And opposite such question to be voted on, and to the right thereof, the words “Yes” and “No” shall be printed on separate

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lines, with voting squares. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes," his vote shall be counted in favor of the removal of such officer, and if he shall stamp a cross (X) in the voting square after the word "No," his vote shall be counted against such removal.

(c) If a majority of the electors voting on such question shall vote in favor of the removal of such appointive officer, he shall be deemed to be and shall be removed from office upon the declaration of the result of such election by the Council, and such office shall thereupon be and become vacant. Such vacancy shall be filled by the appointing power in the same manner as other vacancies, but any appointive officer so removed shall not be eligible to any appointive or elective office under this Charter until the expiration of two years after such removal.

Sec. 198-x. In the event that any appointive officer whose removal is sought, as herein provided, shall resign at any time after the filing of a petition for his removal with the City Clerk, or any vacancy from any cause occur in such office, at any time prior to two days before such election, such election shall not be held; but the incumbent, if he shall have so resigned after the presentation to the Council by the Clerk of such petition, or have been removed by any other process of law, he shall not be eligible to any appointive or elective office under this Charter until the expiration of two years from the date of such resignation or removal last mentioned.

Sec. 198-y. The procedure herein provided for the removal of any appointive officer shall be in addition to any other process for removal provided by law.

GENERAL PROVISIONS RELATING TO ELECTIONS.

Sec. 199. If any special election be ordered, held and conducted, it shall be ordered, held and conducted (except as to the date thereof), and the result thereof made known and declared, in the same manner as herein provided for other elections.

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Sec. 199-a. The Council may, in calling elections of any kind, other than primary nominating elections, order the consolidation thereof, and may order the consolidation of primary nominating elections with special elections; *provided, however*, that when an election has been ordered by the Council in the manner provided in section 200 of this Charter, and thereafter the Council orders any other election or elections, and that the same be consolidated with said election theretofore ordered, the ordinance ordering such other election or elections and the consolidation thereof with the said election theretofore ordered, may provide that the election precincts, polling places and election officers established and designated for such election shall be the election precincts, polling places and election officers for such other election or elections so called and ordered consolidated therewith, and it shall not be necessary that the ordinance ordering such other election or elections and such consolidation shall set forth such election precincts, polling places or election officers. When any election shall have been consolidated as herein provided they shall be held, conducted, the returns thereof canvassed and the result thereof declared in all particulars the same as one election held under this Charter.

Sec. 200. The Council of said city shall, by ordinance, order the holding of all elections. Every such ordinance shall specify the object and time of holding any such election, and shall establish the election precincts and designate polling places therefor, and the names of the election officers for each such precinct, who must be residents thereof, to conduct the holding of and make returns of such election. Unless otherwise designated in such ordinance, such voting precincts shall be the same as those that existed for the holding of the last preceding general state election in said city. The Council may, in ordering the holding of any election, consolidate the voting precincts which existed for the holding of the last preceding general state election into consolidated election precincts to a number not exceeding three for each such consolidated election precinct,

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and shall number such precincts consecutively, and each precinct so established shall, for the purposes of such election, be known by the number so designated. In ordering the holding of any election, the Council may reduce the number of election officers for each election precinct, or consolidated election precinct, to one judge, one inspector, one clerk and two ballot clerks; and in such case, the election board shall consist of the judge, inspector and clerk. All ordinances ordering the holding or consolidation of elections shall be published in some daily newspaper printed and published in said city, for at least five days prior to the time appointed for the holding of such election.

Sec. 200-a. The City Clerk shall provide for every election, ballots for each election precinct or consolidated election precinct established therefor, equal to ten per cent in excess of the total number of electors registered in each such election precinct or consolidated election precinct. And upon the day of any election, immediately upon the arrival of the hour when the polls are required by law to be closed, the City Clerk shall openly, in his main office, and in the presence of as many persons as may then and there assemble to witness his act, proceed to destroy every unused ballot which shall have remained in his possession, custody or control, and forthwith make and file in his office his affidavit, in writing, as to the number of ballots so destroyed.

Sec. 201. The returns of every election shall be delivered to the City Clerk, who shall deliver the same to the Council when it is in session for the purpose of canvassing the returns thereof. The Council shall, within ten days after any election, either at a regular or special meeting, canvass the returns and declare the result thereof, and order certificates of nomination, in the case of primary nominating elections, issued to the persons nominated thereat, and certificates of election to the persons elected at general municipal elections or at primary nominating elections. The Council shall be the judge of the qualifications of all of the elective officers.

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Sec. 202. All elections shall, except as in this Charter otherwise provided, be conducted and held in accordance with the provisions of the laws of the state for the holding of general elections in effect at the time.

Sec. 203. No person shall be eligible to any elective office under this Charter who at the time of his election is not a qualified elector of this city, and to be eligible to the office of member of the Council, the person elected must also have been a resident of the city for at least two years next preceding his election.

Sec. 204. All persons shall be entitled to vote at any election held in pursuance of this Charter who come within or comply with the requirements of this section. Every person who was a qualified elector at the general state election immediately preceding the holding of any election under this Charter, and who was registered, as required by the general law of this state respecting the registration of voters, in any of the election precincts for any election held under this Charter, or in any of such precincts which together compose any consolidated precinct for any such election, and who continues to reside within the exterior boundaries of such election or consolidated election precinct until the time of the holding of any election under this Charter, shall be entitled to vote at such election, without other or additional registration. Any other person, in order to be entitled to vote at any of the elections held under this Charter, must be registered in the manner required by the general laws of this state respecting the registration of voters, as an elector of and within the precinct or one of the precincts which compose the consolidated election precinct wherein he claims to be entitled to vote; *provided, however*, that as to all elections held under this Charter, such registration shall be in progress at all times except during the twenty-five days immediately preceding any such election; *and provided further*, that transfers of registration may be made from one election precinct to another, in the City of Los Angeles, at any time except within twenty-five days immediately preceding any election held under this Charter, but

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no such transfer shall be required in the case of the removal of an elector from one to any other precinct included in a consolidated election precinct.

It shall be the duty of the County Clerk of the County of Los Angeles to keep his office open for registration and transfers of registration for at least sixty days prior to the closing of registration for any municipal election, and to register and transfer the registration of all qualified electors of said city who may apply for such registration or transfer of registration during that time.

Sec. 205. The registers used at any election held in pursuance of this Charter shall be the registers used at the last preceding general state election in the precincts in which such municipal election is held, together with supplemental registers showing all additional registrations, transfers and changes, since the closing of registration for such general state election. It shall be the duty of the County Clerk of the County of Los Angeles to furnish such registers, with proper indices thereto, to the City Clerk of said city at least five days before the holding of such municipal election.

Sec. 205-a. Any candidate to serve for the remainder of an unexpired term of any office, unless candidates therefor shall have been nominated at a primary nominating election, may be nominated by petition, which shall be substantially in the form prescribed in sections 206-c and 206-d of this Charter. Each such petition must be presented to the City Clerk not less than twenty-five days before the general municipal election at which the person to serve for such unexpired term shall be elected, and shall be examined, certified, amended and filed and treated in all respects the same as petitions for the nomination of candidates to be voted for at a recall election.

Sec. 206. The present officers of the city shall hold, continue to hold and exercise their respective offices until the election or appointment and qualification of their successors to be elected or appointed under this Charter as hereby amended, with

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the powers and duties vested in and imposed upon them by the Charter and the ordinances of the city under which they were elected.

PRIMARY NOMINATING ELECTIONS.

Sec. 206-a. Candidates to be voted for at any general municipal election shall be nominated at a primary nominating election. No person shall be eligible to nomination for an elective office who is not a qualified elector of the City of Los Angeles at the time of such nomination; and no names shall be printed upon the ballot for such general election other than those selected in the manner in this article prescribed.

Sec. 206-b. A primary nominating election shall be held on the first Tuesday in May, 1913, and on the first Tuesday in May of every second year thereafter, at which shall be nominated the candidates for the elective offices to be voted for at the general municipal election to be held on the first Tuesday in June next ensuing. The officers of election who shall be appointed for the primary nominating election shall be the officers of such general election, and such general election shall be held at the same places, as far as possible, and the polls shall be opened and closed at the same hours, as may be provided for the primary nominating election. All ballots, blanks and other supplies to be used at any primary nominating election, and all expenses necessarily incurred in the preparation for or the conducting of such primary nominating election shall be paid out of the treasury of the city in the same manner, with like effect, and by the same officers, as in the case of other elections. —[Amendment, 1913.]

Sec. 206-c. The name of no candidate for nomination shall be printed upon the primary nomination ballot unless a petition for nomination shall have been filed in his behalf, as provided herein, in substantially the following form:

We, the undersigned, qualified electors of the City of Los Angeles, County of Los Angeles, State of California, do hereby

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petition that the following named person or persons shall be a candidate or candidates for the office or offices hereinafter specified, to be voted for at the primary nominating election to be held for the nomination of candidates for offices of said city at the next general municipal election, for (name the office or offices to be filled).

Name of Candidate.	Office.	Address.
.....		
.....		
.....		

Name of Petitioner.	Address.
.....	
.....	
.....	

State of California, County of Los Angeles—ss.

I, ..., do hereby certify that I am a qualified elector of the City of Los Angeles, that I reside at No. street, in the City of Los Angeles, County of Los Angeles, State of California, and that the signatures on this sheet were signed in my presence and are genuine, and that to the best of my knowledge and belief the persons so signing were at the time of so signing, qualified electors of said city and that their respective residences are correctly stated as above set forth.

.....
.....

Subscribed and sworn to before me this day of
....., A. D.

.....

Sec. 206-d. Such petition shall consist of sheets of uniform size, to be furnished by the City Clerk, and said petition and each separate sheet thereof shall be preceded by a heading in large clear letters or type giving name of petition, or for what office, and name of candidate nominated, in substantially the following form:

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Petition for nomination of A. B. for City Assessor and C. D. for City Auditor, etc., etc.

Such petition shall be signed by qualified electors of the City of Los Angeles in their own proper persons only, and opposite the signature of each signer, his residence address shall be written by him, or if he is unable to write, by some one under his direction, giving the street and number when such designation by street and number can be given. At the bottom of each sheet of such petition shall be added a statement, signed by a qualified elector of the city, stating his residence address, with street and number when such designation by street and number can be given, certifying that the signatures on that sheet of said petition were signed in his presence and are genuine, and that to the best of his knowledge and belief the persons so signing were at the time of signing said petition qualified electors of said city. Such statement shall be sworn to before some officer authorized to administer oaths. Such sheets, before being filed, shall be fastened together, in book form, by placing the sheets in a pile, and fastening them together at one edge in a secure and suitable manner, and then the sheets shall be numbered consecutively. The sheets shall not be fastened by pasting them together end to end, so as to form a continuous strip or roll.

Sec. 206-e. No petition for nominations shall be presented to the City Clerk which shall contain blanks for more than one thousand signatures, nor to which are appended the signatures of more than one thousand petitioners, and no such petition shall be held sufficient unless signed by at least five hundred qualified electors of the city. No petition for nomination shall contain the names of more than one candidate for each office. No elector may sign more than one petition for a candidate for the same office.

Sec. 206-f. Said petition shall be presented to the City Clerk not more than fifty days and not less than thirty days prior to the primary nominating election, and the said Clerk shall endorse thereon the date of such presentation. A fee of

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ten dollars shall be paid to the City Clerk upon the presentation to him of said petition. The City Clerk shall immediately pay into the city treasury all such fees, and the same shall be placed therein to the credit of the election fund. The said City Clerk shall immediately, upon the presentation to him of a petition, ascertain and determine whether or not the petition is signed by the requisite number of qualified electors. If requested by him the Council shall allow the Clerk extra assistants in this work, and the provisions of this Charter respecting the classified civil service of the city shall not apply to the persons so employed. The Clerk shall, within five days after the presentation of such petition to him, attach his certificate thereto showing the result of his examination.

Sec. 206-g. If, by the City Clerk's certificate, it shall appear that the petition has not been signed by the requisite number of qualified electors, it may be amended within five days from the date of said certificate by the further addition of names. The said Clerk shall, within five days after such amendment, make like examination of the amended petition and shall certify as to the result of his examination, but no further amendment shall be allowed.

Sec. 206-h. If either the original or amended petition shall be found to be sufficiently signed as herein provided, the same shall be filed by the Clerk. Said petition, when filed, shall not be withdrawn or added to, and no signature shall be withdrawn therefrom after presentation to the Clerk.

Sec. 206-i. Within five days after the expiration of the time for the filing of petitions for nominations, any person for the nomination of whom a petition has been filed as hereinbefore provided, may cause his name to be withdrawn from nomination, by filing with the City Clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot to be used at the primary nominating election. If upon such withdrawal, or by the death of any person for the nomination of whom a petition has been filed, the number of candidates remaining does

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not exceed the number of persons to be elected to any office, then other nominations may be made by filing petitions therefor not later than twenty days prior to such election, but no amendment to any such petition shall be allowed.

Sec. 206-j. The City Clerk shall enter the names of all persons for the nomination of whom as candidates petitions have been filed as hereinbefore provided, except candidates who have withdrawn or died, and shall, not later than ten days prior to the primary nominating election, certify such list as the list of names of candidates to be voted for at such primary nominating election. The City Clerk shall cause said list of names and the offices for which the several candidates were respectively nominated, together with his certificate thereof, to be published for at least five consecutive days prior to the primary nominating election in five daily newspapers printed and published in the city.

Sec. 206-k. The City Clerk shall cause the ballots to be printed and, except when voting machines are used, numbered and bound, which ballots shall contain the list of names of candidates and respective offices as published, with the following caption:

"PRIMARY NOMINATING ELECTION.

City of Los Angeles.

(Inserting date thereof.)

"To vote, stamp a cross opposite the name of the candidate voted for, except that when name of candidate is written in by voter the cross shall not be made."

The names of the offices to be filled shall be arranged on the ballots in the order the officers of the city to be elected are named in section 4 of this Charter.

Sec. 206-l. The names of the candidates for each office shall be arranged on the ballot for the primary nominating election in alphabetical order. There shall be nothing on any ballot indicative of the party affiliation, source of candidacy or support

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of any candidate. Any candidate to serve for the remainder of an unexpired term shall be designated in the petition and on the ballot as a candidate to fill an unexpired term.

Sec. 206-m. Each ballot shall contain blank spaces underneath the printed names for each office, wherein the voter may write the name of any candidate whose name is not printed on the ballot and for whom he may wish to vote, and in such case a cross shall not be stamped opposite such written name.

Sec. 206-n. In the event that any candidate for nomination to any office for which only one person is to be elected shall receive a majority of the votes cast for all the candidates for nomination to such office at such primary nominating election, the candidate so receiving such majority of votes shall be deemed to be and declared by the Council to be elected to such office; *provided*, that in the case of candidates for the offices of member of the Council and member of the Board of Education, the candidates therefor equal to or less than the number of such offices, for which nominations are to be made who receive the votes of more than one-half of the qualified electors voting at such election, shall be deemed to be and declared by the Council to be elected to such office or offices. Except as in this section provided, the result of such primary nominating election shall be as provided in section 206-o of this Charter.

Sec. 206-o. The two candidates receiving the highest number of votes for any given office at the primary nominating election shall be the candidates, and the only candidates, for such office whose names shall be printed upon the ballots to be used at the general municipal election; *provided*, that where more than one office of the same kind is to be filled, the candidates therefor, equaling in number twice the number of such offices, who receive the highest number of votes at the primary nominating election, shall be the candidates, and the only candidates, for such offices whose names shall be printed upon the ballot to be used at such general election.

After the expiration of the time within which nominations

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may be contested, as hereinafter provided, the Council shall cause certificates of nominations to be issued by the City Clerk to such candidates as shall have received the required number of votes and shall have been nominated at the primary nominating election; *provided, however*, that such certificate shall not be issued when there is a contest as to any candidate, as hereinafter provided, until after such contest shall be determined.

Sec. 206-p. The ballot at any general election shall be in the same general form as for such primary nominating election, so far as applicable, and without any indication as to the party affiliation, source of candidacy or support of any candidate.

Sec. 206-q. Any person entitled to vote at any election held in the City of Los Angeles, shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed, for the period of two consecutive hours between the time of opening and the time of closing the polls; and such voter shall not, because of so absents himself, be liable to any penalty, nor shall any deduction be made on account of such absence from his usual salary or wages.

Sec. 206-r. Nothing contained in any of the foregoing sections, 206-a to 206-q, both inclusive, shall be deemed to apply to any election held under the sections of this article relating to the recall and removal of elective officers, except as therein expressly provided.

Sec. 206-s. In the event of the death of any candidate nominated at a primary nominating election for any office, the name of the person who received the highest vote of those who were candidates for such office, other than the candidates who were nominated therefor at the primary nominating election, shall be deemed a candidate and his name shall be printed upon the ballot to be used at the general municipal election, with the same force and effect as if such person had been nominated therefor as hereinbefore provided.

Sec. 206-t. Whenever it shall appear upon the canvass of

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the returns of any primary nominating election that two or more persons have received an equal number of votes as candidates for any office at such election, so that the result of such election does not determine which of such persons are entitled to be nominated as candidates for such office, the City Clerk shall forthwith, upon the declaration by the Council of the result of such election, notify in writing all persons so receiving an equal number of votes, to appear before the Council, in the Council chamber, at its next regular meeting that shall occur after the expiration of five days after the result of such election shall have been declared, and at an hour to be specified in such notice, and then and there to draw lots to determine which of said persons shall be the candidate or candidates for such office. At the time and place specified in such notice, such persons shall appear before the Council and shall then and there in open session thereof, draw lots to determine which of said persons shall be such candidate or candidates. Such lots shall be drawn in such manner as the Council shall prescribe, and the person or persons upon whom the choice made by such drawing of lots shall fall, shall be declared to be and shall be the candidate or candidates. If any such person do not appear, as above prescribed, the City Clerk shall act for such person in such drawing of lots; *provided, however*, that if any demand for a recount of the ballots cast at such primary nominating election be made as hereinafter provided, by or on behalf of any such person, such drawing of lots shall not be had until and unless such recount shall also result in a tie vote having the effect hereinbefore stated.

Nothing in this section contained shall be construed to prevent any elector of the city from demanding and obtaining a recount of the ballots cast at such primary nominating election as hereinafter provided.

Sec. 206-u. Any elector of the city may contest the right of any person declared nominated as a candidate for any office to be such candidate, upon the ground that such person did not

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receive the requisite number of votes at the primary nominating election. When an elector contests the right of any person declared nominated as a candidate for any office to be a candidate therefor, he must, within five days after the result of the primary nominating election shall have been declared by the Council, file with the City Clerk a written petition setting forth specifically the following:

(1) The name of the person contesting such nomination, and that he is an elector of the city;

(2) The name of the person whose right to be a candidate for an office, stating the office, is contested;

(3) A statement of particulars wherein the person, whose right to be a candidate is contested, did not receive the requisite number of votes at the primary nominating election; or, of such errors in the counting of ballots, which, if corrected, would give a different result;

(4) A demand for a recount of the ballots cast at such election.

Such petition must be signed by and be verified by the affidavit of the person filing such petition, and such affidavit must state that the statements made in the petition are true of his own knowledge, except as to the matters which are therein stated on his information or belief, and as to those matters he believes it to be true. Any such petition shall be accompanied by a bond in the penal sum of \$500, in favor of the City of Los Angeles, executed by the petitioner and by two sureties satisfactory to the Council, conditioned for the payment by the petitioner to the City of Los Angeles of the costs and expenses of such recount of ballots in case such contest does not change the result of such election.

The City Clerk shall present said petition to the Council at its next regular meeting after the filing thereof, and the Council shall thereupon order a recount of the ballots cast at such election. Such recount shall be conducted by the Mayor, City Attorney and City Clerk, who shall for that purpose constitute a

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board of contested primary nominating elections; *provided, however*, that if any of said officers are interested parties to said contest, the Council shall designate a disinterested elector to act upon such board in the place of such officer. Such board shall be authorized by the Council to employ such persons as may be necessary to assist them in conducting such recount, which shall be public, and conducted with due diligence to completion. Upon the completion thereof, such board shall make a report in writing of the result thereof to the Council, which shall thereupon declare the same; and if any person or persons other than the person or persons theretofore declared nominated, are found upon such recount to be entitled to such nomination, the Council shall so declare and direct that the proper certificate of nomination be issued to such person or persons. Nothing in this section contained shall be construed to prevent any person from contesting any nomination by such judicial proceedings as may be otherwise authorized by law.

In case the result of such primary nominating election is changed by such contest, the expense of such recount shall be paid by the city.

Sec. 206-v. The provisions of section 206-u shall be applicable to any case where it appears from the canvass of the returns of any primary nominating election that two or more persons have received an equal number of votes as candidates for any office at such election, so that the result of such election does not determine which of such persons are entitled to be nominated as candidates for such office. Any elector of the city may, in the event of any such tie vote, obtain a recount of the ballots cast at such primary nominating election by filing a petition demanding such recount, setting forth specifically the following:

- (1) The name of the person demanding such recount, and that he is an elector of the city;
- (2) The names of the persons who received an equal number of votes, stating the office;

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(3) A statement of particulars of such errors in the counting of ballots, which, if corrected, will give a different result;

(4) A demand for a recount of the ballots cast at such election.

Such petition shall be signed, verified and filed as in said section 206-u provided. The proceedings for such recount shall be conducted and the result thereof determined in the same manner and with the same force and effect as in said section provided, and the provisions thereof shall control in all matters pertaining to such proceedings so far as they may be applicable thereto.

Sec. 206-w. A substantial compliance with the provisions of this article shall be sufficient for the holding of any election hereunder, and for the approval or rejection of any ordinance, order or resolution submitted to a vote of the electors of the city.

ARTICLE XX.

[Amendment, 1911.]

CONTRACTS AND THE SALE OF PROPERTY.

Sec. 207. Every contract involving an expenditure of more than five hundred dollars shall, except in cases of urgent necessity, as provided in section 207-a of this Charter, be made in writing, the draft whereof shall be approved by the body, board, commission or officer authorized to make the same, and signed on behalf of the city by the Mayor, or some other person authorized thereto by resolution of the Council in the case of a contract authorized by the Council, or, in the case of other contracts, by the president or two members of the board, or commission, or the officer, as the case may be, authorized to make the same; *provided, however*, that the approval by the City Attorney of any such contract as to form, as required by section 49 of this Charter, shall be indorsed thereon before the Council, or such board, commission or officer, shall have power to ap-

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prove the same; *and provided, further*, that every contract involving the expenditure of more than one thousand dollars shall be first authorized by a two-thirds vote of the Council, except contracts made by the Board of Library Directors, and contracts requiring payment from funds derived from the sale of water, or electric power, or bonds of the city.

Sec. 207-a. The City of Los Angeles shall not be, and is not bound by any contract, involving any expenditure of more than five hundred dollars, unless the Council, board, commission or officer, as the case may be, authorized to make the same, shall have first caused notice to be published one or more times in a daily newspaper printed and published in said city, inviting proposals to perform the same, and specifying the amount of the bond to be given for the faithful performance of the contract, and thereafter shall have let said contract to the lowest regular, responsible bidder furnishing security for its performance satisfactory to the Council, or such board, commission or officer, as the case may be. The right to reject any and all proposals shall, in every case, be reserved. Every such proposal shall be accompanied by a check certified by a responsible bank in the City of Los Angeles, payable to the order of the City of Los Angeles, for an amount not less than ten per centum of the aggregate sum of the bid, or by a satisfactory bond for the said amount, and so payable, as a guarantee that the bidder will enter into the proposed contract if the same be awarded to him. No bid shall be considered unless the same is accompanied by such check or bond. The bid of any party who has been delinquent or unfaithful in the performance of any former contract with the city shall be rejected. If the successful bidder fails within ten days after the contract is awarded to him to enter into the same or to furnish the bond required for the faithful performance thereof, executed by the contractor and by a responsible surety company, or by two or more sufficient sureties approved by the Council, board, commission or officer, as the case may be, then the certified check accompanying his bid shall be presented for

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payment and collected, and the amount thereof paid into the general funds of the city; *provided, however*, that the provisions of this section requiring the publication of notice inviting proposals and the letting of contracts to the lowest bidder, shall not apply to contracts previously authorized by a two-thirds vote of the Council for the performance of professional, scientific, technical or expert services, or for the furnishing of articles covered by letters patent granted by the government of the United States, or for the leasing or purchase of real property; *and provided, further*, that when any repairs, alterations, work or improvement under the charge of the Board of Public Works shall be deemed of urgent necessity by the board, it may, when authorized by resolution adopted by a vote of two-thirds of the members of the whole Council and approved by the Mayor, make a contract, in writing or otherwise, in behalf of the city, for the performance or furnishing of the labor, materials or supplies required for said purpose, without advertising for or inviting bids.

Sec. 207-b. Every proposal to perform a contract with the city, or with any board, commission or officer thereof, shall have thereon, or attached thereto, the affidavit of the bidder that such proposal is genuine, and not sham or collusive, or made in the interest or in behalf of any person not therein named, and that the bidder has not directly or indirectly induced or solicited any other bidder to put in a sham bid, or any other person, firm or corporation to refrain from bidding, and that the bidder has not in any manner sought by collusion to secure for himself an advantage over any other bidder. Any bid made without such affidavit, or in violation thereof shall not be considered. If at any time it shall be found that the person, firm or corporation to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties, then the contract so awarded shall be voidable at the option of the City Council, or the board, commission or officer making the same on behalf of the city, as the case may be, and the contractor and his

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bondsmen shall be liable to the city for all loss or damage which the city may suffer thereby; and the Council, board, commission or officer, as the case may be, may advertise for a new contract.

Sec. 207-c. Each officer, commission or board shall have authority to expend and make contracts involving the expenditure of one-twelfth of the fund apportioned to such officer, commission or board during each month of the fiscal year, and no more, unless specially authorized so to do by the Council; *provided*, that if during any month less than one-twelfth of the fund so apportioned shall be expended, the amount unexpended may be expended in any subsequent month of the fiscal year without such authorization.

Sec. 207-d. All purchases of materials or supplies involving an expenditure of five hundred dollars or less, and required for or by any body, board, commission or officer of the city, excepting purchases made by the Board of Library Directors, and purchases requiring payment from funds derived from the sale of water, electric power, or bonds of the city, shall be made from the lowest responsible bidder, in the manner that may, from time to time, be prescribed by ordinance, through the purchasing agent of the city, when one shall have been appointed, and upon requisition delivered to him and signed by the president, or two members, of such body, board or commission, or by such officer. Other contracts, involving an expenditure of five hundred dollars or less, made by any body, board, commission or officer of the city, excepting contracts made by the Board of Library Directors, and contracts requiring payment from funds derived from the sale of water, electric power, or bonds of the city, shall be made in the manner that may, from time to time, be prescribed by ordinance; *provided, however*, that, in the case of urgent necessity, when the procedure prescribed by this section cannot be followed without loss to the city, any body, board, commission or officer of the city mentioned in section 207-c of this Charter, may purchase materials or supplies required for immediate use by the city, when such purchase does not exceed

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twenty-five dollars; *provided*, that such emergency purchases shall not exceed one hundred dollars for any such body, board, commission or officer, during any one month.

Sec. 207-e. Any real property owned by the City of Los Angeles may, subject to the limitations and exceptions elsewhere prescribed in this Charter, be sold either in whole, or in part, in accordance with the provisions of this section. Whenever the public interest or convenience may require the Council is hereby authorized to order the sale, and to sell any such real property, either at public auction, or to the highest bidder for cash, or on terms after advertising for bids; *provided, however*, that the Council shall prescribe the minimum price for which the same will be sold and that at least one-third of the selling price shall be payable in cash, and if the price offered at such auction, or the amount bid by the highest bidder at such sale, shall be less than such minimum price, such property shall not be sold. Before ordering the sale of any such real property the Council shall, by a two-thirds vote of all of its members, pass an ordinance declaring its intention to sell the same, describing the property proposed to be sold in such manner as to identify the same, specifying the minimum price and terms for which it will be sold, and stating whether such sale shall be at public auction or to the highest responsible bidder after advertising for bids. Such ordinance shall be subject to the provisions of this Charter providing for a referendary vote. Unless a petition demanding the submission of such ordinance to a vote of the qualified electors of the city be filed with the City Clerk within thirty days after the publication thereof, the Council may, in its discretion, after the expiration of such thirty days, cause notice of the sale of the property described in such ordinance to be published for ten days in one or more daily newspapers printed and published in said city. In the case of any sale of any real property after advertisement for bids all such bids shall be sealed and filed in the office of the City Clerk on or before a time to be specified in the notice of the sale. The

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City Clerk shall present all bids received by him to the Council at its next regular meeting after the expiration of the time for the submission of bids. The Council shall thereupon, in public session, open, examine and declare all bids received. At the time of opening the bids, any responsible person may bid for such property a sum exceeding the highest bid by not less than five per centum, and such bid so made may be raised by any other person or persons until the property shall either be sold or withdrawn from sale. No bid shall be considered unless accompanied by a cash deposit or check certified by a responsible bank in the City of Los Angeles in an amount not less than ten per centum of the amount of such bid. The Council may in its discretion in all cases where property is offered for sale reject any or all bids, or withdraw such property from sale at any time, should it deem such action to be for the public interest. Any real property proposed to be sold that is under the control of any board or commission authorized by this Charter, or by law, to acquire, hold or control real property shall not be sold except with the approval of a majority of such board or commission, and the proceeds of any such sale shall be paid into the city treasury and placed in the fund of the department having control of such property.—[Amendment, 1913.]

Sec. 207-f. Any personal property belonging to the city, that is no longer required for the use of the city, may be sold under such terms and conditions, and under such procedure as the Council may by ordinance prescribe; *provided, however*, that no such personal property that is under the control of any department of the city government shall be sold except at the request or with the approval of the board, commission or officer having the management of such department. The proceeds of the sale of personal property shall be paid into the city treasury and placed in the fund of such department.

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ARTICLE XXI.

[Amendment, 1911.]

TAXATION, FINANCE, CLAIMS AND DEMANDS.

Sec. 208. The fiscal year of the city shall commence on the first day of July of each year and shall end on the thirtieth day of June of the following year.

Sec. 209. It shall be the duty of every officer of the city, the conduct of whose office requires the expenditure of money, and every board or commission having the management and control of any department of the government of the city, to prepare and file with the City Auditor, on or before the first day of April of each year, a detailed estimate in writing of the amount of expenditure required for the proper conduct of the business of their respective offices and departments for the next ensuing fiscal year, including a statement of the salaries of their subordinates.

Sec. 210. On or before the first day of May of each year the City Auditor shall transmit to the Council an estimate of the probable expenditures of the city government for the next ensuing fiscal year, stating the amount required for the interest and sinking funds for all outstanding bonded indebtedness of the city, and the requirements of all the offices and departments of the municipal government in detail, and showing specifically the amount necessary to be provided for each fund and department; also an estimate of the amount of income from fines, licenses and other sources of revenue, exclusive of taxes upon property, and the probable amount to be raised by taxation.

Sec. 211. The Council shall meet annually, prior to fixing the tax levy, and by resolution adopted by a majority of all its members, shall make a budget of the estimated amounts required for the interest and sinking funds for the bonded indebtedness of the city, and to pay the expenses of conducting the business of the city government for the ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum

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and the items thereof allowed to each department, officer, board or fund, as the Council may determine. The resolution adopting the budget shall be presented to the Mayor for his approval and signature. Any item of said budget may, within ten days after the adoption thereof, be vetoed in whole or in part by the Mayor, and it shall require the vote of two-thirds of the Council to overcome such veto. In making such budget the Council may provide for a general expense fund for expenses not otherwise provided for. After the budget is made in accordance herewith, it shall be signed by the president of the Council, and the City Clerk, and the several sums thereof shall thereupon be deemed appropriated for the ensuing fiscal year to the several purposes, departments and offices therein specified. The budget shall be filed in the office of the City Auditor. The Council must cause to be raised by tax levy, according to law, the amounts so appropriated, less the amount to be received by the city from fines, licenses and other sources of revenue.

Sec. 212. When the assessment list is made out and transmitted to the Council, as provided by the ordinances of the city, the Council shall, at the time and in the manner in such ordinance provided, sit and act as a Board of Equalization, and shall have, as regards the equalization of said list, powers similar to those conferred by law upon the Board of Supervisors of Los Angeles County, as a board of equalization of state and county taxes.

The meetings of said Board of Equalization shall be public, and notice of such meetings shall be given by publication at such time and in such manner as shall be provided by ordinance. The said board shall have the power, in its discretion, to increase or diminish the amount of any or all of the assessments on said lists, both as to real and personal property; *provided*, that before any such assessment shall be increased, due notice shall be given to the owner or owners of the property the assessed value of which is sought to be increased, and such owner or owners shall have the opportunity to be heard before the board, under

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oath; such notice to be regulated in all respects by ordinance.

After such list has been equalized, it shall be returned to the Council, which shall forthwith fix the levy or rate per cent of taxes levied for all municipal purposes for such fiscal year.

Every tax so levied shall have the force and effect of a judgment against the person and property taxed, and shall be and constitute a lien upon the real property situated in said city so assessed or owned by the person against whom such assessment is made.

Every such assessment and the lien thereof shall have the force and effect of an execution duly levied upon all property owned by the person assessed, or by the unknown owner of such property when assessed to an unknown owner. The judgment is not satisfied nor discharged until the tax assessed against the property and the owner is paid, or the property sold for the payment thereof.

The city shall have such other rights, claims and liens for the amount of such municipal taxes as may now or hereafter be given to or exercised by the people of the State of California for and on account of the assessment of state and county taxes levied in Los Angeles County.

The mode and manner of collecting such municipal taxes, and enforcing such tax lien, and the proceedings thereafter, shall substantially be the same as the mode and manner at the time prescribed by law for the collection of state and county taxes in said county; *provided, however*, that the Council may, by ordinance, have the power to regulate the time or times of the collection of said taxes within each fiscal year, and prescribe by what officers the respective duties appertaining to such collection and enforcement shall be performed. All proceedings, sales, certificates and conveyances had, made and executed by them in pursuance thereof, shall be of like force, effect and validity as is or may hereafter be given by law to like proceedings and acts in the matter of the collection of state and county taxes in said county.

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Sec. 213. The Council must, not later than the last Tuesday in August of each year, adopt an ordinance levying upon the assessed valuation of the property of the city, subject to the provisions of this Charter, a rate of taxation upon each one hundred dollars of valuation, sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue.

Sec. 214. The income and revenues paid into the treasury shall be apportioned to and kept in separate funds. It shall not be lawful to transfer money from one fund to another, or to use the same in payment of demands upon another fund, except in the case of the general expense fund and the reserve fund; *provided, however*, that every fee, commission, percentage, allowance or compensation authorized by law to be charged, received or collected by any officer of the city for any service shall be paid into the city treasury, to the credit of such fund, and be applied to such purposes as the Council shall by ordinance determine.

Sec. 215. At the close of each fiscal year the Council shall direct the Auditor and Treasurer to transfer all surplus moneys remaining in each fund, over and above the amount of outstanding demands and liabilities payable out of such fund, to a fund to be called the "reserve fund," except such surplus moneys as are in the several interest and sinking funds, bond funds, trust funds, the library fund, the water revenue fund, the power revenue fund, and the harbor revenue fund, but the Council may by ordinance direct said surplus moneys in the power revenue fund or the harbor revenue fund transferred to such reserve fund.

Sec. 216. All claims and demands against the City of Los Angeles, except coupons for interest and installments of the principal of outstanding bonds of the city, shall be paid only on demands as hereinafter provided, on forms and blanks to be prescribed by the city Auditor.

Sec. 217. Every claim and demand against the City of Los

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Angeles, except as provided in the preceding section, shall be first presented to and approved by the board, commission or officer authorized by this Charter to incur the expenditure or liability represented thereby; if such approval be made by a board or commission the same shall be evidenced by a vote of two-thirds of the members thereof, taken with the ayes and noes and spread upon the minutes, and the action of such board or commission, and the date thereof, must be endorsed on such demand, and signed in writing by the president or by two members thereof, and the secretary or clerk thereof; and if such approval be made by an officer he, or his chief deputy, shall endorse the same by his signature in writing. In all cases the date of such approval shall be given.

Sec. 218. The salaries of all officers and employees of the city shall be paid monthly; *provided, however,* that laborers and other employees whose wages are fixed by the day, may be paid weekly, if the Council, by ordinance, shall so provide. At the expiration of each month the board, commission or officer having the management or control of any department or office shall cause a pay roll to be made out of all persons employed in such department or office during the preceding month, stating the amount of the compensation of such persons in detail, which said pay roll shall be certified as herein provided in the case of demands against the city. In the case of laborers and other persons whose wages are fixed by the day, and payable weekly, as above provided, such pay roll shall be so made out and certified at the end of each week for the preceding week. Every such pay roll shall be filed with the City Auditor and shall be accompanied by proper demands or pay checks for the salary or wages of each person specified therein; *provided,* that nothing in this article contained shall be deemed to affect or limit the provisions of section 151 of this Charter.

Sec. 219. All demands approved by any board, commission or officer of the city shall be presented to the City Auditor, who shall satisfy himself whether the money is legally due and re-

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mains unpaid, and whether the payment thereof from the city treasury is authorized by law, and out of what fund. If he approve it, he shall endorse upon it the word "approved," with the name of the fund out of which it is payable, and sign his name thereto; *provided* that such approval by the City Auditor shall be valid only for such amount as shall have been approved by the board, commission or officer approving the same. If, in the judgment of the City Auditor, such demand should be allowed only for a less amount than approved by such board, commission or officer, or if he shall disapprove said demand, he shall transmit the same to the finance committee of the Council.

Sec. 220. Any demand transmitted to the finance committee of the Council by the City Auditor shall be considered by such committee, together with the objections of the City Auditor thereto. Such demand shall be reported by the finance committee to the Council with its recommendations, and the Council shall consider the same and the action of the Auditor and finance committee thereon.

The Council may overrule or sustain the objections of the City Auditor to said demand, and its action shall be endorsed thereon, certified by the signatures of the president of the Council and City Clerk, and the demand shall thereupon be returned to the City Auditor. If the action of the Council is to overrule the objections of the City Auditor to said demand, he shall make a record of the demand as in the case of demands approved by him; if the action of the Council is to sustain the objections of the City Auditor thereto, he shall file said demand.

Sec. 221. All demands against the fund for the support or maintenance of the office of the City Auditor shall, before payment, be presented to the Mayor, who shall have the same powers as to the approval or disapproval thereof as are exercised by the City Auditor in the case of other demands. The action of the Mayor with respect thereto shall be subject to review by the Council, as hereinbefore provided.

Sec. 222. No demand can be approved by any board or

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officer, or audited, unless it specify each several item, with the date and amount thereof.

Sec. 222-a. No payment can be made from the city treasury, or out of the public funds of said city, unless the same be specially authorized by law or this Charter, nor unless the demand which is paid be duly audited as in this Charter provided. The term "audited," as used in this Charter with reference to demands upon the treasury, is to be understood to mean that said demands have been presented to, passed upon and approved by every officer, board, commission or body, as required by this Charter, or that the objections of the City Auditor have been overruled, as herein provided, and this must appear upon the face of the paper representing the demand, or else it is not audited; *provided*, that the approval or rejection in whole or part of a demand by the committee on finance of the Council is advisory only to the Council, and the rejection by said committee of a demand in whole or in part does not of itself prevent its being duly audited.

Sec. 222-b. No demand upon the treasury shall be allowed by the City Auditor in favor of any person or officer in any manner indebted thereto without first deducting the amount of such indebtedness, nor to any person or officer having the collection, custody of or disbursement of public funds, unless his account has been duly presented, passed, approved and allowed, as required by law or this Charter; nor in favor of any officer who shall have neglected to make his official returns or his reports in writing in the manner and at the time required by law or this Charter, or by the ordinances or regulations made in pursuance thereof; nor to any officer who shall have neglected or refused to comply with any of the provisions of this Charter or ordinances of the city, or any act of the Legislature regulating the duties of such officer, on being required in writing to comply therewith by the Mayor or the president of the Council or the City Auditor; nor in favor of any officer for the time he shall have absented himself, without lawful cause, from the duties of

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his office during the office hours prescribed by this Charter or by ordinance, and the City Auditor may examine any officer receiving a salary from the treasury on oath respecting such absence.

Sec. 222-c. The City Auditor must keep a record of all demands on the treasury approved by him, or his objections to which have been overruled, showing the number, date, amount, and name of the payee thereof, on what account allowed, and out of what funds payable, and it shall be a misdemeanor in office for the City Auditor to deliver any demand with his approval thereon, or otherwise, until this requisite has been complied with.

Sec. 222-d. Every lawful demand upon the treasury, duly audited, as in this Charter required, shall in all cases be paid on presentation and canceled, and the proper entry thereof be made, if there be sufficient money in the treasury belonging to the fund out of which it is payable; but if there be not sufficient money belonging to said fund to pay such demand, then it shall be registered in a book to be kept by the Treasurer for that purpose, showing its number, when presented, date, amount, name of the payee, and on what account allowed, and out of what fund payable; and being so registered, shall be returned to the party presenting it, with an endorsement of the word "registered," dated and signed by the City Treasurer. All registered demands shall be payable in the order of their registration.

Sec. 222-e. Nothing in this article contained shall be construed as interfering with or preventing the payment by the City Treasurer of bonds of the City of Los Angeles, and the interest coupons thereof, in accordance with the constitution, laws and ordinances authorizing the issuance of said bonds.

Sec. 222-f. All public moneys collected by any officer or employee of the city shall be paid into the city treasury, without any deduction on account of any claim for fees, commissions or any other cause or pretense; and the compensation of any officer, employee or other person so collecting money, shall be paid by

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demands on the treasury, duly audited as other demands are audited, and paid.

Sec. 222-g. No suit shall be brought on any claim for money or damages against the City of Los Angeles, its Board of Education, Board of Directors of the Los Angeles Public Library, Board of Public Works, or Board of Public Service Commissioners, or any officer or board or commission of the city, until a demand for the same has been presented, as herein provided, and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Nor shall suit be brought against said city, or any board, officer or commission thereof upon any claim or demand that has been in whole approved and audited as provided herein; *provided*, that nothing herein contained shall be construed so as to deprive the holder of any demand of his right to resort to writ of mandamus or other proceeding against the City Council, or any board, commission or officer of said city, to compel it or him to act upon such claim or demand, or to pay the same when so audited.

ARTICLE XXII.

MISCELLANEOUS PROVISIONS.

Sec. 223. The indebtedness of the City of Los Angeles must not exceed three per centum of the assessed value of all taxable real and personal property within the city, exclusive of any indebtedness that has been or may hereafter be incurred for the purpose of acquiring, constructing or completing water-works, gas, electric light and power works or plants, wharves, docks, piers, warehouses and other utilities upon the water front, harbor improvements, and for any revenue-producing public utility. For any or all of these purposes a further indebtedness may be incurred, not exceeding twelve per centum of such assessed value.—[Amendment, 1911.]

Sec. 224. In any action, suit or proceedings in any court

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concerning an assessment of property, or levy of taxes, authorized by this act, or the collection of any such, or in the proceedings consequent thereon, such assessment, levy, consequent proceeding, and all proceedings connected therewith, shall be presumed to be regularly and duly done or taken until the contrary is shown; and when any proceeding, matter or thing is by this act committed, or left to the discretion of the Mayor and Council, or the Council, or other authorities of said city, such discretion or judgment, when expressed or declared, is final, and cannot be reviewed or called in question elsewhere.

Sec. 225. Real property when sold for, or to satisfy a delinquent assessment or tax, must be sold for United States coin, and not otherwise; and any one applying or seeking to redeem property so sold, as in this Charter provided, must pay, or offer to pay, the sum necessary therefor in such coin, and not otherwise.

Sec. 226. In all prosecutions for violation of any city ordinance, rule or other regulation of said authorities, whether in the court of original jurisdiction or in any Appellate Court, it shall be unnecessary to plead the contents of the same; but the court before which the prosecution shall be pending shall take judicial notice of such ordinance, resolution, rule or other regulation, and of the contents thereof; and, in any civil action or proceeding to which the said corporation is a party, either as plaintiff or defendant, the adoption and contents of any ordinance, resolution, by-law, rule, or regulation may be *prima facie* proven by the introduction of the original entry thereof on the journal of the proceedings of the Council, a copy of such entry, certified by the City Clerk to be a full, true and correct copy of such original entry, or by the introduction of a printed copy thereof.

Sec. 227. All acts of the Legislature relating to the City of Los Angeles, and all city ordinances, resolutions and other regulations now in force and not inconsistent herewith, shall be and remain in force after this Charter takes effect until changed

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or repealed by the proper authority; and all rights vested under any former act or regulation, when this takes effect, shall not thereby be lost, impaired or discharged; and all actions and proceedings commenced in any court wherein the City of Los Angeles is a party, shall be continued under the law existing when said action or proceedings was commenced; *provided*, that whenever, in any ordinance or resolution hereby continued in force, there shall be imposed duties on, or powers given to the clerk of the Council, such duties shall be performed by and such powers be exercised by the City Clerk.

Sec. 228. This Charter shall take effect immediately on its approval by the Legislature, as provided by law.

Sec. 228-a. Whenever, under the terms of this Charter, or under the provisions of the constitution or of the general laws of the State of California, any incorporated city or town shall be consolidated with or annexed to the City of Los Angeles, and the Charter of such incorporated city or town shall contain any provision or provisions restricting, prohibiting or regulating the sale, distribution or giving away of any spirituous, malt, vinous or alcoholic liquors, within the boundaries of such city or town so consolidated with or annexed to the City of Los Angeles, such provision or provisions shall, upon such consolidation or annexation becoming effective, be and thereby become an integral part of and take effect as a subdivision of the Charter of the City of Los Angeles, but only for the purposes in this section specified, and shall operate and be of full force and effect in the territory of such city or town so consolidated with or annexed to the City of Los Angeles, and shall govern as to restricting, prohibiting or regulating the sale, distribution, or giving away of spirituous, malt, vinous or alcoholic liquors within such territory. No such provision or provisions shall be altered or repealed except by the vote of a majority of the electors within such territory, voting thereon at any election at which such question shall have been submitted to the electors within such territory.—[Amendment, 1911.]

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ARTICLE XXIII.

CIVIL SERVICE.

[Amendment, 1903.]

Sec. 229. Immediately upon the adoption of this article the Mayor shall appoint, subject to confirmation by the Council, five persons known by him to be devoted to the principles of civil service reform, who shall constitute and be known as the Board of Civil Service Commissioners.

They shall serve for the term of four years and without compensation. They shall so classify themselves by lot that one of them shall go out of office at the end of one year; one at the end of two years; one at the end of three years; and two at the end of four years. Three commissioners shall constitute a quorum. All appointments to said commission, both original and to fill vacancies, shall be made by the Mayor, subject to confirmation by the Council, and shall be so made that not more than three members shall at the same time be members of the same political party. Said commissioners shall hold no other office or public employment.

Sec. 230. The Mayor, with the consent of the Council, may remove any commissioner for incompetency, neglect of duty or malfeasance in office.

Sec. 231. Said commission shall classify all the offices and places of employment mentioned in section 239 of this article with reference to the examination herein provided for. The offices and places so classified by the commission shall constitute the classified civil service of said city; and no appointment to any such offices or places shall be made except under and according to the rules hereinafter mentioned.

Sec. 232. Said commission shall make rules to carry out the purposes of this article and for the examinations and appointments in accordance with its provisions, and the commission may, from time to time, make changes in such rules.

Sec. 233. All rules made as hereinbefore provided, and all

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changes therein, shall be printed for distribution by said commission. The commission shall give notice by publication in the official paper of the place or places where said rules may be obtained, and in such publication shall be specified the date, not less than thirty days subsequent to the date of such publication, when said rules shall go into operation.

Sec. 234. All applicants for office, places, or employments in said classified civil service shall be subject to examination, which shall be public, competitive and free to all citizens of the United States, with specified limitations as to residence, age, sex, health, habits and moral character. Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed, and, when appropriate, shall include, or exclusively consist of, tests of physical qualifications, health and manual skill. No question in any examination shall relate to political or religious opinions or affiliations. The commission shall control all examinations, and may, whenever an examination is to take place, obtain the assistance of a suitable person or number of persons to aid it in preparing for and conducting such examinations.—[Amendment, 1905.]

Sec. 235. Notice of time, place and general scope of every examination shall be given by the commission by publication for two weeks preceding such examination in the official paper, and such notice shall also be posted by said commission in a conspicuous place at the City Hall, and in its office, two weeks before such examination. Such further notice of examination shall be given as it may prescribe; *provided*, that for registration in the class of unskilled laborers medical or physical examinations may be made or held from day to day as applicants present themselves, and without previous notice.—[Amendment, 1905.]

Sec. 236. From the examinations made by the commission it shall prepare a register, in each grade or class of position, in

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the classified civil service, other than that of unskilled laborers employed by the day, of the persons whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of said commission, and who are otherwise eligible, and such persons shall take rank upon the register as candidates in order of their relative excellence, as determined by their examination without reference to priority of the date of examination.

The commission shall also keep a register upon which shall be entered, in the order of their application, the names of all who apply for employment in the class of unskilled laborers, and who, after such medical or physical examination as the board may prescribe, are found to be capable of performing in a satisfactory manner the duties of the occupation sought. In case any registered applicant in said class of unskilled laborers shall be employed, and subsequently laid off or dismissed through lack of work, or through no fault of his own, that fact shall be forthwith certified to the Board of Civil Service Commissioners by the head of the department in which such laborer was employed, and he shall be restored to his original place upon the register.—[Amendment, 1905.]

Sec. 237. The commission shall by its rules provide for the promotion in such classified civil service on the basis of ascertained merit and seniority in service and examination, and shall provide in all cases where it is practicable that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank as desire to submit themselves to such examination; and it shall be the duty of the commission to submit to the appointing power the names of not more than three applicants for each promotion having the highest rating; but in fixing said rating a uniform allowance of credits, to be stated at the time of the announcement of said examination, shall be made for each year of past service. The method of examination and the rules governing

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the same, and the method of certifying, shall be the same as provided for applicants for original appointment.

Sec. 237½. Any civil service employee who is injured in the service of the city while actually engaged in the discharge of the duties of his position may, in the discretion of the Board of Civil Service Commissioners, be assigned to a position other than that for which he has been examined, and with or without examination. Said commissioners, upon assigning such person so injured to such new position, shall place his name at the head of the eligible list, and he shall thereafter be first certified for such position. The Board of Civil Service Commissioners shall not place such person so injured as aforesaid at the head of any eligible list without carefully examining the facts of each case, and making its finding that such person is not incompetent, by reason of physical or other disability, to fill the same. Nothing in this provision shall be construed as compelling said commission to take the action herein provided for unless the person injured is, in the judgment of said commission, of good moral character and worthy of receiving the benefits hereof.—[Amendment, 1907.]

Sec. 238. The head of a department in which position in the class of unskilled laborers employed by the day is to be filled shall notify said commission of that fact, and said commission shall thereupon certify to such officer or board the name and address of the applicant standing first in order on the register of unskilled laborers, and the applicant thus certified shall thereupon be employed by such officer or board.

The head of a department in which a position, classified under this article, except a position in the class of unskilled laborers, is to be filled, shall notify said commission of that fact, and said commission shall certify to such officer the name and address of one or more candidates, not exceeding three, standing highest on the register for the class or grade to which said position belongs. In making such certification, sex shall be disregarded, except when some statute, the rules of said com-

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mission, or the appointing power specify sex, said appointing officer or department shall notify said commission of each position to be filled separately, and shall fill such place from the names certified to him or it by said commission therefor. The candidate thus appointed shall be employed on probation for a period to be fixed by said rules, not exceeding six months. Each candidate, unless he shall be sooner appointed, or otherwise lawfully cease to be a candidate, shall be certified for appointment in the grade or class for which he is eligible not less than three times, and no candidate shall lose his place on the register by certification or rejection, except that said commission may strike off names of candidates from the register after they have remained thereon more than two years. At or before the expiration of the period of probation, the head of the department or office in which the candidate is employed may discharge him upon assigning in writing the reasons therefor to said commission. If he is not thus discharged during the period of probation, his appointment shall be deemed complete. To prevent the stoppage of public business, or to meet extraordinary exigencies, the head of any department, or any officer or board may, under such regulations as the commission may by its rules prescribe, make temporary appointments in the classified civil service, to remain in force not exceeding sixty days, and only until regular appointment, under the provisions of this article, can be made.—[Amendment, 1905.]

Sec. 239. The provisions of this article shall apply to the following departments of the city, to-wit:

- The Department of the City Clerk.
- The Fire Department.
- The Treasurer's Department.
- The Tax and License Collector's Department
- The Police Department.
- The Auditor's Department.
- The Assessor's Department.
- The Health Department.

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The Department of Public Works.
The Department of Public Service.
The Library Department.
The Park Department.
The Department of Public Utilities.
The Harbor Department.
The Playground Department.
All other employees of the city.

Provided, that the following shall be exempt therefrom,

to-wit:

All officers elected by the people.
All members of the several boards and commissions.
The Mayor's Clerk.
The City Clerk.
The Chief of Police and his Secretary.
The Treasurer and his chief deputy.
The City Engineer and his chief deputy.
The Assistant Harbor Engineer.

The Tax and License Collector and his chief deputy and cashier.

The chief deputy of the Auditor.

The City Superintendent of Schools and his assistants and deputies, and all teachers and employees in the School Department.

The assistants, deputies, clerks and stenographers of the City Attorney.

The City Prosecutor, and his assistants, deputies, clerks and stenographers.

The Librarian, and the heads of the several departments in the Public Library.

The Superintendent of Parks.

The Secretary of the Park Commission.

The Secretary of the Police Commission.

The Health Commissioner.

The Chief Engineer of the Fire Department.

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The Chief Engineer of Waterworks, the Water Overseer, Auditor, and Cashier of the Department of Public Service.

The Electrical Engineer.

The Engineer and Secretary of the Board of Public Utilities.

The Secretary of the Board of Harbor Commissioners.

The Port Warden and pilots.

The Secretary of the Playground Commission.

The Purchasing Agent.

The Inspector of Public Works.

All physicians appointed by the Health Commissioner.

All officers of election.

The Police Surgeon and assistant police surgeons.

Any of the following persons may be exempted from the provisions of this article, upon the request of the head of the department in which they are employed, by order of the Board of Civil Service Commissioners, approved by the Council by resolution passed by the vote of two-thirds (2-3) of all its members, to-wit: (a) The first and second deputies in any department or either of such deputies where not exempt, as above provided; (b) unskilled laborers, including drivers; (c) persons employed on the construction of public works, improvements or buildings; (d) persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character. Any exemption thus made may be terminated at any time by resolution of the Board of Civil Service Commissioners.—[Amendment, 1911.]

Sec. 240. The officers, members and employees of the Police Department shall be subject to removal, discharge or suspension as provided elsewhere in this Charter.

The officers, members and employees of the Fire Department shall be subject to removal, discharge or suspension as provided elsewhere in this Charter.

The officers, members and employees of the Library Department shall be subject to removal, discharge or suspension as provided elsewhere in this Charter.—[Amendment, 1911.]

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Sec. 241. Any board, commission or officer having the power of appointment of officers, members and employees in any department of the government of the city, shall have the power to remove or discharge any officer, member or employee of such department; but no person in the classified civil service of the city, other than an unskilled laborer employed by the day, shall be removed or discharged except for cause, which shall be stated in writing by the board, commission or officer having the power to make such removal or discharge, and filed with the Board of Civil Service Commissioners, with certification that a copy of such statement has been served upon the person so removed or discharged, personally, or by leaving a copy thereof at his last known place of residence if he cannot be found. Upon such filing such removal or discharge shall take effect. Within fifteen days after such statement shall have been filed, the said board, upon its own motion, may, or upon written application of the person so removed or discharged, filed with said board within five days after service upon him of such statement, shall proceed to investigate the grounds for such removal or discharge. If after such investigation said board finds, in writing, that the grounds stated for such removal or discharge were insufficient or were not sustained, and also finds in writing that the person removed or discharged is a fit and suitable person to fill the position from which he was removed or discharged, said board shall order said person so removed or discharged to be reinstated. The order of said board with respect to such removal or discharge shall be forthwith certified to the appointing board, commission or officer, and shall be final and conclusive. If the Board of Civil Service Commissioners shall order that any person removed or discharged under the provisions of this section be reinstated, as above provided, the person so removed or discharged shall be entitled to receive compensation from the city the same as if he had not been removed or discharged by the appointing board, commission or officer.

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The provisions of this section shall not apply to the removal or discharge of officers, members and employees in the Police Department, in the Fire Department, and in the Library Department; but the officers, members and employees in said departments, respectively, shall be subject to removal and discharge as provided elsewhere in this Charter.—[Amendment, 1911.]

Sec. 242. Any board, commission or officer having the power of appointment of officers, members and employees in any department of the government of the city shall have the power to suspend any officer, member or employee of such department; but no person in the classified civil service of the city, other than an unskilled laborer employed by the day, shall be suspended except for cause, which shall be stated in writing by the board, commission or officer having the power to make such suspension, and filed with the Board of Civil Service Commissioners, with certification that a copy of such statement has been served upon the person so suspended, personally, or by leaving a copy thereof at his last known place of residence if he can not be found. Upon such filing such suspension shall take effect. Within fifteen days after such statement shall have been filed, the said board, upon its own motion, may, or upon written application of the person so suspended, filed with said board within five days after service upon him of such statement, shall proceed to investigate the grounds for such suspension. If, on such investigation, said board finds in writing that the grounds for such suspension were insufficient or were not sustained, said board shall restore the person so suspended to duty. The order of said board with respect to such suspension shall be certified to the appointing board, commission or officer, and shall be final and conclusive; *provided*, that the order of any appointing board, commission or officer suspending any person because of lack of funds in such department shall be final, and shall not be subject to review by said Board of Civil Service Commissioners.

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If the Board of Civil Service Commissioners shall order that any person suspended under the provisions of this section be restored to duty, as above provided, the person so restored to duty shall be entitled to receive compensation from the city the same as if he had not been suspended by the appointing board, commission or officer.

The provisions of this section shall not apply to the suspension of officers, members and employees in the Police Department, in the Fire Department and in the Library Department; but the officers, members and employees in said departments, respectively, shall be subject to suspension as provided elsewhere in this Charter.—[Amendment, 1911.]

Sec. 243. Immediate notice in writing shall be given by the appointing powers, to said commission, of all appointments, permanent or temporary, made in such classified civil service, and of all transfers, promotions, resignations, or vacancies from any cause in such service, and of the date thereof, and a record of the same shall be kept by said commission. When any office or place of employment is created or abolished, or the compensation attached thereto altered, the officer or board making such change shall immediately report in writing to said commission.

Sec. 244. The commission shall investigate the enforcement of this article and its rules, and the conduct and action of the appointees in the classified civil service in this city.

Sec. 245. Said commission shall make an annual report to the Mayor for transmission to the Council. The Mayor may require a special report from said commission at any time.

Sec. 246. Said commission shall appoint a secretary, whose duty it shall be to keep minutes of its proceedings and a record of all examinations held under its direction, and perform such other duties as the commission may prescribe.

Sec. 247. All officers of said city shall aid the commission in all proper ways in carrying out the provisions of this article.

Sec. 248. The Council shall furnish said commissioners

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with suitable offices and shall provide furniture, books, stationery, blanks, heat and light, and is authorized and required to pay such other expense as may be necessarily incurred by said commissioners in carrying out the provisions of this article.

Sec. 249. No officer or other person shall wilfully or corruptly, by himself or in co-operation with one or more other persons, defeat, deceive or obstruct any person in respect to his or her right of examination, or corruptly or falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined hereunder, or aid in so doing, or wilfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined or to be examined, or being employed, appointed or promoted.

Sec. 250. No applicant for appointment in said classified civil service, either directly or indirectly, shall pay or promise to pay any money or other valuable thing to any person whatever for or on account of his appointment, or proposed appointment, and no other officer or employee shall pay, or promise to pay, either directly or indirectly, any money or other valuable thing whatever, for or on account of his promotion.

Sec. 251. The commission shall certify to the Auditor all appointments to offices or places in the classified civil service, or vacancies occurring therein, whether by dismissal, resignation or death, and all findings that a person shall be discharged from the classified civil service.

Sec. 252. The Auditor shall not, nor shall any auditing or accounting officer of the city, approve any demand for the salary or wages of any person subject to the provisions of this article, for services as an officer or employee of such city, before the appointment of such person to the classified civil service has been certified, nor after the commission shall have certified to the Auditor a finding made or approved by it under the provisions of this article, that such person be discharged from the classified civil service.

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Sec. 253. All officers and employees who, at the time of taking effect of this article, would be included in the classified civil service, and who shall have been continuously in the service of the city for a period of six months prior to the adoption of this article, shall be deemed to have the necessary qualifications required by the provisions hereof, and shall retain their respective positions until removed for cause, as provided herein. All officers and employees who, at the time of the taking effect of this article, would be included in the classified civil service, but who have been in the service of the city for a period of less than six months, shall, during the period of six months from and after the taking effect of this article, be deemed to be serving under probation and be subject to the same regulations as other candidates serving under probation, as hereinbefore provided in this article.

Sec. 254. The City Council of the City of Los Angeles shall have power to pass ordinances imposing suitable penalties for the punishment of persons violating any of the provisions of this article.

ARTICLE XXIV.

CONSOLIDATION OF DUTIES, CITY AND COUNTY OFFICERS.

Sec. 255. Whenever it shall be provided by law that any of the duties now performed or hereafter to be performed by any officer or officers of the City of Los Angeles, may be performed by any officer or officers of the County of Los Angeles, the City of Los Angeles may, by ordinance ratified by vote of the qualified electors of the city as hereinafter prescribed, provide that the duties of such city officer or officers, or any of such duties as are now permitted by law to be performed by such county officer or officers, may be performed by such county officer or officers of the County of Los Angeles, at the times and in the manner, and to the extent provided for by law. In case by such

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ordinance all the duties of an officer of the city are devolved upon an officer of the county, then upon the taking effect of such ordinance such city office shall cease to exist while such ordinance remains in force, but shall be revived by the repeal of such ordinance; and if by such ordinance only a part of the duties of an office are so devolved, then the remaining duties thereof shall be performed by such officer as may be designated for that purpose by such ordinance; and the office shall cease to exist while such ordinance remains in effect, but shall be revived by the repeal of such ordinance. As to all duties so performed by any county officer, he shall be *ex-officio* an officer of the City of Los Angeles. All provisions of this Charter in conflict herewith, or with the provisions of such law, or with such ordinance, shall be suspended during the time that such ordinance remains in force and effect.—[Amendment, 1905.]

Sec. 256. No ordinance passed pursuant to the last preceding section shall take effect until it shall have been submitted for ratification by the voters of the city at a general municipal or special election, and ratified by a majority of all votes cast on the question of such ratification. No such ordinance shall be repealed or amended until the repealing or amending ordinance shall have been submitted for ratification by the voters of such city at a general municipal or special election, and ratified by a majority of all votes cast on the question of such ratification.—[Amendment, 1905.]

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ARTICLE XXV.

[Amendment, 1909.]

ANNEXATIONS, CONSOLIDATION OF CITY AND COUNTY GOVERNMENTS, ESTABLISHMENT AND GOVERNMENT OF BOROUGHs,
HARBOR IMPROVEMENT BONDS.

Sec. 257. Whenever it shall be authorized by the laws of this State, it shall be lawful, under the Charter of the City of Los Angeles, to annex or join to the City of Los Angeles any contiguous city or town in Los Angeles County, incorporated under the general laws of the State, or existing under a freeholders' charter, or any contiguous territory in said county, within any part of which the whole of any such city or town may be included, to be governed under the Charter of the City of Los Angeles, and the question of annexation or joinder to the City of Los Angeles may be voted upon at an election to be called and held as provided by law.

It shall also be lawful to consolidate the city and county governments within the boundaries of the City of Los Angeles as now or hereafter established whenever the same shall be authorized by the laws of this state.

Sec. 258. A borough may be established in any territory hereafter annexed to the City of Los Angeles containing a population of not less than five hundred inhabitants, whether such territory in whole or in part was or was not included within the limits of any incorporated city or town at or immediately prior to the time of such annexation, in the manner, with the powers and subject to the conditions and limitations hereinafter provided:

(a) The government of a borough, established under the provisions of this Charter, shall be vested in a Board of Trustees, to consist of five members, to be elected by the qualified electors of such borough, and the other officers of such borough

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to be appointed by the Board of Trustees thereof, as hereafter provided.

(b) Whenever a petition shall be presented to the City Council of the City of Los Angeles, signed by at least fifty per cent. of the qualified voters residing in such territory, computed upon the number of votes cast at the last general State election held therein, describing the boundaries of such territory and proposed borough and stating the proposed name thereof, and praying for the establishment therein of a borough system of government, the City Council of the City of Los Angeles must without delay submit to the voters of such territory the question whether such proposed borough shall be established, at a special election to be called and held for that purpose, and cause a notice of such election to be published in a newspaper printed and published in the territory embraced within such proposed borough, if any such there be, at least once a week for a period of three successive weeks next preceding the date of such election. If there be no such newspaper, such notice shall be posted for the same period in at least five public places in such territory. Such notice shall particularly describe the boundaries of such proposed borough; shall state the name thereof, and shall require the voters to cast ballots, which shall contain the words, "For the Establishment of the Borough" or "Against the Establishment of the Borough," or words equivalent thereto, and also the names of the persons to be voted for to fill the office of members of the Board of Trustees of such proposed borough.

Such election shall be called, held and conducted, and the returns thereof shall be canvassed and the result thereof declared by the City Council, in all respects as in the case of general municipal elections in the City of Los Angeles. If, upon such canvass, it appears that the majority of the votes cast are in favor of the establishment of such borough, the City Council shall, by an order entered upon its minutes, declare such borough duly established, with the name thereof stated in such

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petition, and declare the five persons receiving, respectively, the highest number of votes for members of the Board of Trustees of such borough to be the duly elected members of the Board of Trustees thereof, and thereupon the establishment of such borough shall be complete, and such officers shall be entitled to enter immediately upon the discharge of the duties of their respective offices, upon qualifying in accordance with law. The trustees elected at such election shall hold office during the remainder of the period for which the Mayor of the City of Los Angeles then in office shall have been elected, and their successors in office shall be elected by the qualified voters of such borough at the same time and shall serve for like terms as shall be provided for election and duration of the term of office of Mayor of the City of Los Angeles.

(c) The Board of Trustees of such borough shall elect one of their number president, and shall prescribe by rules the time and place of their meetings and of their manner of procedure, and they shall have power to regulate and control all local municipal affairs throughout the said borough, excepting as to those matters and things where jurisdiction is herein conferred upon or reserved to the City of Los Angeles; and they shall also have power to levy a general tax upon the taxable property within such borough for borough uses, not exceeding one dollar upon each one hundred dollars' worth of taxable property, according to the assessed value thereof.

The said Board of Trustees of any borough shall also have power to appoint and remove an attorney, a clerk, a treasurer, an auditor, a recorder, a marshal and necessary police officers and men, and such other officers, agents and employees as they deem necessary to conduct said borough government; provided, however, that the powers and duties of assessor and tax collector, respectively, of such borough shall be vested in and be performed by the Assessor and Tax Collector, respectively, of the City of Los Angeles. In case it shall be required by ordinance passed by the Board of Trustees of any borough, the City

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Treasurer of Los Angeles City shall perform the duties of Treasurer of such borough.

Except as herein otherwise provided, any borough established under this Charter shall have the powers, and the Board of Trustees and officers and agents thereof, respectively, shall have the powers and perform the duties now or hereafter conferred or imposed by the general laws of the State of California upon cities of the sixth class and the officers and agents thereof, respectively.

(d) The qualified voters of any borough shall be entitled to vote at all elections for officers of the City of Los Angeles, and at all other elections affecting property in such borough.

(e) All general taxes levied and collected by, or for, and on account of, any borough, shall be paid over to the proper borough treasurer, except as hereafter provided.

All property within any borough shall be taxable for the purpose of paying the principal and interest of any bonded or other indebtedness of the City of Los Angeles incurred after the annexation of the territory in which such borough is located and before the establishment of such borough, and of any bonds issued by said city, under the provisions of section 262 of this Charter, after such annexation, and of any bonds issued for county indebtedness, in case of the consolidation of city and county governments. All taxes upon property in any borough for the purpose of paying the principal or interest of bonds issued by such borough, or of bonded or other indebtedness of said city incurred as aforesaid, or of bonds issued by said city, as aforesaid, under the provisions of section 262 of this Charter, shall be levied and collected by said city and shall be paid over to the Treasurer of said city. No other taxes shall be levied or collected by said city upon property within such borough; provided, however, that if the whole or any part of such borough shall heretofore have been embraced within the limits of an incorporated city, and there are any outstanding bonds or other indebtedness of such city chargeable against property

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within such borough, the City of Los Angeles shall have power to levy and collect upon such property, from time to time, such sums as shall be found due from it on account of its just proportion of liability for any payment on the principal or interest of such indebtedness, and to pay the same in discharging such liability; *and provided, further*, that in case of the consolidation of city and county governments, the property within any such borough shall be taxable for general purposes of such consolidated city and county, subject, however, to the limitations prescribed in section 259 of this Charter.

The principal and interest of all bonds issued by any borough shall be paid through the Treasurer of the City of Los Angeles.

(f) The City of Los Angeles shall have exclusive jurisdiction over two streets or highways in each borough which, in themselves, or in continuation of, or in connection with, other streets or highways, extend from the present boundaries of the City of Los Angeles to the water front and to established government harbor lines, if such harbor lines shall have been established at such water front, and of two cross streets within such borough which lead to any docks, wharves, piers or navigable waters in such borough, which streets and cross streets, and the continuations or extensions of streets, as aforesaid, shall be selected and designated by ordinance of the City Council of the City of Los Angeles as harbor highways. The City of Los Angeles shall have exclusive power to control and regulate the use, maintenance and repair of such harbor highways, and the making of excavations therein, and to open, extend, widen, straighten, grade, regrade, macadamize, remacadamize, pave, repave, establish or change the grade of, or otherwise improve the same, and shall also have exclusive power to control or acquire, own, construct and operate water, gas, electric lighting and power plants, railroads, street railroads and electric roads, and to grant franchises therefor upon and over such harbor highways. The City of Los Angeles shall also have, through-

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out the whole of said city, including any such borough, the exclusive power to acquire, construct, own, operate and maintain docks, wharves, piers, canals and sea walls, and to regulate and control navigable waters, anchorage, wharfage and pilotage, and shall have the ownership, possession and control of all tide lands and submerged lands below the line of mean high tide, whether filled or unfilled, and of all water front within the limits of said city; *provided*, that not exceeding 1000 feet of water frontage continuous in one body, within any such borough, with any wharves, docks, piers or other improvements thereon or to be placed thereon under authority of any such borough, together with the adjoining co-terminus tide land or submerged land, is hereby reserved for the uses of such borough, and such borough shall have jurisdiction over such 1000 feet of frontage and such improvements thereon and such co-terminus tide land or submerged land for municipal purposes, and shall designate such frontage by ordinance within sixty days after the organization of the first Board of Trustees of such borough; *provided, however*, that such frontage so designated shall not include any portion of water frontage or lands theretofore improved by the City of Los Angeles, except by consent of the City of Los Angeles given by ordinance adopted by its City Council; and provided, further, that such frontage shall be subject to all rights of way for highways, railways, street and other railroads, as may be determined from time to time by the City Council of the City of Los Angeles.

Sec. 259. Whenever the consolidation of city and county governments of the territory within the City of Los Angeles becomes effective, the City Council, or its successor in office, of the consolidated city and county of Los Angeles shall also exercise the powers of a Board of Supervisors, including the power to levy and collect taxes, as may be authorized by law, upon all property within such consolidated city and county; *provided*, that in any borough, if any there be, embraced in such consolidated city and county, not exceeding one-half of the per-

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centage of the levy of taxes for general purposes of such consolidated city and county, shall be levied and collected from property in such borough. In all other respects such borough shall continue to exist and be governed as hereinbefore provided in this article.

Sec. 260. Whenever, in the opinion of the City Attorney of Los Angeles, the public interests require him so to do, he shall be authorized, and whenever directed by the City Council of Los Angeles, it shall be his duty, to commence and prosecute all actions and proceedings in the name of the city to recover possession of, or to determine adverse claims to, any highway, street, alley, water frontage, tide land or other property held for or dedicated to any public use.

Sec. 261. The City of Los Angeles shall have power to provide for opening, improving, constructing or maintaining streets, highways or other means of public transportation to navigable waters within the said city, and acquiring the necessary land therefor by purchase or condemnation, and for constructing and maintaining canals and waterways between such navigable waters and any such streets, highways or means of transportation, and acquiring the necessary land therefor, by purchase or condemnation, and for acquiring or constructing docks, wharves, warehouses, railroads and railroad terminals at the harbor, to be owned and operated by, or on behalf of the city, and acquiring the necessary land therefor by purchase or condemnation, and may incur indebtedness, and issue bonds therefor.—[Amendment, 1913.]

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ARTICLE XXVI.

[Amendment, 1911.]

PLAYGROUND DEPARTMENT.

Sec. 263. There is hereby established a department of the government of the City of Los Angeles to be known as the Playground Department, which shall be under the management and control of a board of five commissioners, to be known as the Board of Playground Commissioners.

Sec. 264. The members of the Board of Playground Commissioners shall be appointed by the Mayor, subject to confirmation by a majority of the Council. All such appointments shall be made so that not more than three of said commissioners shall be of the same sex. The members of said board shall serve without compensation, and shall hold office for four years, and until their successors are appointed and qualify; *provided, however*, that the five members first appointed hereunder shall so classify themselves by lot that one shall go out of office on the first Monday in January, 1912, one on the first Monday in January, 1913, one on the first Monday in January, 1914, and two on the first Monday in January, 1915. If any vacancy occur the Mayor shall fill the same for the unexpired term, subject to confirmation by a majority of the Council.

Sec. 265. The Board of Playground Commissioners shall organize by electing one of their members president, who shall hold office for one year, and until his successor is elected, unless his membership on the board sooner expires. The board shall maintain an office, to be provided by the Council, for the transaction of the business of the Playground Department. Said board shall hold regular meetings at least once in each week. The board shall appoint a secretary, not a member of the board, who shall receive such salary as may be prescribed by ordinance. He shall keep a record of all its proceedings, specifying therein the names of the commissioners present at all the meetings, giving the ayes and noes upon all votes, and shall also

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keep a full account of all property, money, receipts and expenditures of the said department.

Sec. 266. The Playground Department shall consist of a Superintendent of Playgrounds, and such other officers, assistants and employees as the Council shall by ordinance determine. The salaries of all officers and employees of the Playground Department shall be fixed by the Council by ordinance. All appointments, suspensions and removals in the department shall be made by the Board of Playground Commissioners, subject to such civil service regulations as are now or may hereafter be in force.

Sec. 267. All children's playgrounds, recreation centers and summer camps now or hereafter owned or controlled by the City of Los Angeles, either within or without its limits, shall be under the exclusive control and management of the Board of Playground Commissioners.

Sec. 268. The Board of Playground Commissioners shall have charge, superintendence and control, under such ordinances as may from time to time be adopted by the Council, of the design, construction, maintenance and use of all buildings and other improvements upon playgrounds.

Sec. 269. The Board of Playground Commissioners shall prescribe the rules and regulations for the government of the department, and fix and enforce the penalties for their violation.

Sec. 270. The Board of Playground Commissioners may, for and on behalf of the City of Los Angeles, receive donations, legacies or bequests for the improvement or maintenance of said playgrounds, or for the acquisition of new playgrounds, and all moneys that may be derived from such donations, legacies or bequests shall, unless otherwise provided by the terms thereof, be deposited in the treasury of the City of Los Angeles to the credit of the playground fund. The same may be drawn therefrom and paid out only in the manner provided for the payment of moneys legally appropriated for the support and improvement of such playgrounds. If the moneys derived from

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such gifts, bequests or legacies shall at any time exceed in amount the sum necessary for immediate expenditure on said playgrounds, the board may invest all or a part of the surplus in interest-bearing bonds of the United States or of the State of California or of any county, municipality or school district thereof. As to all such property, the Board of Playground Commissioners shall be deemed and considered to be a special trustee thereof for the City of Los Angeles.

Sec. 271. The Council shall have power, by ordinance, to set aside for playground purposes any lands now or hereafter owned or controlled by the city and not held for or devoted to any other public use.

Sec. 272. The Council shall, for the acquisition, development and maintenance of children's playgrounds, appropriate annually such an amount as may, in the judgment of the Council, be necessary or proper, and the amount so appropriated shall be credited to the playground fund.

Sec. 273. The Board of Playground Commissioners, the Superintendent of Playgrounds, and all other officers and employees of the Playground Department shall have such further powers and perform such further duties as may be granted or imposed by ordinance.

ARTICLE XXVII.

[Amendment, 1911.]

MUNICIPAL ART COMMISSION.

Sec. 274. There is hereby established a commission of the government of the City of Los Angeles to be known as the Municipal Art Commission.

Sec. 275. The Municipal Art Commission shall be composed of the following persons, to-wit: The Mayor, *ex-officio*, the Chief Inspector of Buildings, *ex-officio*, the City Engineer, *ex-officio*, five citizens, to be appointed by the Mayor, subject

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to confirmation by a majority of the Council; and in all matters within the cognizance of said commission pertaining to any department of the government of the city, the president of the board or commission having charge of such department, or other head of such department, shall act as a member of said commission. The appointive members of said commission shall serve without compensation. They shall be selected by the Mayor without regard to sex, and shall be known to him as having special knowledge or skill in the fine or applied arts.

Sec. 276. The appointive members of the Municipal Art Commission shall hold office for four years and until their successors are appointed and qualified; *provided, however*, that the five appointive members of said commission first appointed hereunder shall so classify themselves by lot that one shall go out of office on the first Monday in January, 1912, one on the first Monday in January, 1913, one on the first Monday in January, 1914, and two on the first Monday in January, 1915. If any vacancy occur in the appointive members of the said commission, the Mayor shall fill the same for the unexpired term, subject to confirmation by a majority of the Council.

Sec. 277. The Municipal Art Commission shall organize by electing a president, a vice-president and a secretary from its own members, who shall hold office for one year and until their successors are elected, unless their membership on said commission sooner expires. Said commission shall have power to adopt rules for its own government and procedure, and shall hold meetings as often as may be prescribed by such rules. Six members shall constitute a quorum for the transaction of business.

Sec. 278. The Council shall provide suitable offices for the use of the Municipal Art Commission, and shall provide funds for the maintenance and expenses of the commission, the amount to be fixed annually in the budget.

Sec. 279. Hereafter no work of art shall become the property of the City of Los Angeles, by purchase, gift or otherwise,

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unless such work of art or the design of the same, together with a statement of the proposed location of such work of art, shall first have been submitted to and approved by the Municipal Art Commission by a majority vote thereof; nor shall any work of art, until so approved, be erected or placed in or upon, or allowed to extend over or upon any municipal building, street, avenue, or other public place or ground belonging to or under the control of the City of Los Angeles, excepting parks. The said commission may, when it deems proper, also require a complete model of the proposed work of art to be submitted to such commission. The term "work of art" as used in this article shall apply to and include all paintings, mural decorations, stained glass, statues, bas-reliefs and other sculptures, monuments, fountains, arches, gates, and other structures of a permanent character intended for ornament or commemoration. No existing work of art belonging to or in the possession of the city shall be removed, relocated or altered in any way without the like approval of the commission. The design of no public building, bridge, approach, fence, retaining wall, lamp, lamp post, or other similar structure proposed to be erected by or under the authority of the city upon any land or in any place belonging to or under the control of the city shall be adopted by any board, commission, or officer having charge, superintendence or control of the design or construction thereof, unless such design shall have been first submitted to and approved by the Municipal Art Commission by a majority vote thereof. No arch, bridge, structure or approach belonging to any private individual or corporation shall be permitted to extend over, into or upon any street, avenue, highway or other public place belonging to or under the control of the City of Los Angeles, other than parks, unless the design and location thereof shall have first been approved by the Municipal Art Commission as hereinbefore provided.

Sec. 280. If the said commission shall fail to decide upon any matter submitted to it within fifteen days after such sub-

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mission, its decision shall be deemed unnecessary; *provided, however,* that the time for such decision may be extended by the Council by resolution.

In the event that the immediate removal or relocation of any existing work of art owned or controlled by the city is deemed necessary by the board or officer of the city having the charge or custody thereof, the said commission shall within two days after notice in writing from such board or officer, approve or disapprove such removal or relocation, and in case said commission shall fail to so act within two days after the receipt of such notice, it shall be deemed to have approved of the same.

Sec. 281. There may be expended for art productions, to be selected by said Art Commission and placed in public buildings, grounds or parks of the city, such amount as the Council may determine, and such amount may be included in the annual budget for that purpose. The word "productions" shall be held to include, among other works of art, mural paintings or decorations which artists may be employed to put on the walls of public buildings, mosaic and stained or painted glass.

Sec. 282. The Municipal Art Commission shall have such further powers and perform such other duties as may be granted or imposed by ordinance.

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